BARTOLOMÉ DE LAS CASAS

"Father of the Indians"

MARCEL BRION

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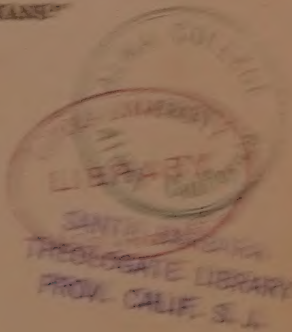
BARTOLOMÉ DE LAS CASAS

"FATHER OF THE INDIANS"



BARTOLOMÉ DE LAS CASAS

"FATHER OF THE INDIANS"

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BY

MARCEL BRION

TRANSLATED FROM THE FRENCH BY
COLEY B. TAYLOR

WITH AN INTRODUCTION BY
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NEW YORK
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FIRST EDITION

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INTRODUCTION

I

M. Marcel Brion's Life of Father Las Casas confines itself to documentary history, without any attempt to dramatize his career or rebuild his personality in terms of modernistic biography. Had the author wished to follow the trend of present-day essays on similar subjects, what vitriolic pen-pictures we might have had of Cortés, *Pedrarias,* and the rest of that immortal gang! A psychological treatise on Gold and its Sycophants could fittingly have closed the book. And the title for such volume might have been simply: "Las Casas, a Glorious Failure."

Instead, M. Brion offers us a sober estimate of the work of the Dominican Missionary, pointing at the same time to his two most deeply marked features. The perseverance of the preacher who found his road to conversion when in his prime, and died a nonagenarian still pleading, admonishing, and denouncing the murderers and despoilers of the Indian, is of course one of the familiar records of

history. What is far less known, and this book will help a great deal in making it better known, is the high caliber of his intellect. That saintly man, who was so often mistaken for a well-meaning fanatic with an exotic hobby, had in him the vision, the steady and serene outlook of a world statesman.

Neither the possibility of a passage at arms with the Inquisition, nor the devious argumentation of Doctor Sepúlveda and other attorneys of vested rights, could ever deviate Las Casas from the three or four points of doctrine which he championed all his life. It was sinful to punish the unbeliever before he had become conscious of his moral and religious duties toward Christianity; in fact, it was persuasion through love that could lift the conquest of the New World by His Catholic Majesty's armies, from the ruthless methods of Mohammedan proselytism. In thus challenging the advocates of might, by pointing in this way to the Bill of Rights of the red man, he gave the norm which was later to make of the *Leyes de Indias* a truly humanitarian body of laws, however spurious their application was destined to become in the course of time.

Likewise, he appeared to have stood upon sound principles in matters of policy. It was war to the death against the Indian, and not

Las Casas' suggestion that brought the slave traffic into the New World. Bent on saving his wards by any possible means, the "Father of the Indian" may have turned to Africa as an ultimate source of relief; but even in this his fundamental honesty and highmindedness were in plain view. He insisted all his life on the argument of the biological inferiority of the red man, evidently considering him as a child, not only undeveloped in mind but in body as well. Hence his call for a stronger type of conscripted labor in mine and field, one that was used to the withering climate of the lowlands.

To Father Las Casas, that constitutional inferiority was the only natural explanation to account for the rate of mortality around the Spanish settlements. Of course, we now know better. The Indians died by hundreds and even thousands in a single province not because of any inherent weakness of body, but as a direct consequence of starvation, crowded quarters, and inhuman treatment. The male Indian was the more or less lusty barbarian he was wont to be while roaming the jungle in perfect freedom, with no other exertion than that of hunting and fishing, or fighting neighboring tribes for sport and profit. African slaves were no less hale and strong, yet it is a sober guess

than no more than a fifth of the number kidnapped along the native coast ever reached this side of the water. The hold of the ship did for these unfortunates what the mine penthouse and the calaboose did for the Indian before them.

II

It is most likely that the Conqueror, if he ever gave a thought to anything outside the realm of practical politics, believed the man-supply of the newly discovered continent as inexhaustible as its wealth. After he had underestimated the size of the mainland, thinking the mother country amply capable of settling it and monopolizing both its trade and resources, the Spaniard went on spending the Indian man-power recklessly, although never attaining that cool efficiency his Anglo-Saxon rivals were to display later on in America.

But perhaps the most far-reaching mistake of all was for the Spanish captains not to have discerned the advantages that might have accrued to the final balance of the Conquest had they applied to it the paternalistic policies of moral tolerance and economic co-operation which were still in practice under the native commonwealths of Mexico and, especially, of

Perú.[1] Did ever the evil genius of Pizarro stop to think of the possibilities of a bona-fide alliance with the two Inca empires? How did he manage to ignore the contrast between his own methods of military occupation and those devised by Inca imperialism before him?

It is a most revealing coincidence that Cieza de Leon, the early Spanish chronicler who happened to be the first to look with unprejudiced eyes into the social and political organization of the Incas, should also have been denied attention by the scholars and politicians of his time, on grounds similar to those of Las Casas', namely, the exaggerations and credulity he had made himself guilty of in crediting the Indian with so much sense and decency. Sophistry and ridicule turned against him too and kept his name obscure and made his life a long misery to the end.

The warnings contained in Father Las Casas' memorials, as well as the sagacious hints of Cieza de Leon, were therefore to pass unheeded, and the Creole and half-breed to

[1] "The Incas," writes a contemporary author, "never took recourse to blood-and-fire tactics with the peoples whom they set out to conquer. With them, sacking was unknown, and a soldier found guilty of appropriating for himself any object or even food in time of war, was punished with death. Thus, far from destroying anything, the conqueror brought benefits to the subject peoples, building for them irrigation canals, terraced fields for farming, bridges, roads, community storehouses, and teaching them the agricultural and industrial methods so highly developed by the imperial metropolis."

inherit whatever remained of the Indian population, without lightening its burdens or improving its lot. Under the iron rule of the military leaders of the Conquest, the native was not only forced to work without pay, but was besides spirited away from family and homeland. As a matter of history, we all know that the "alien devil" taught his Indian subjects how to save their own people from slavery for the time being, by turning them against the neighboring tribes, so that they might secure fresh laborers as ransom for their own precarious freedom.

III

Gold was then the immediate reward that blinded the Spaniard to all suggestions of mercy. Gold is like fire, in that either of them will start a stampede in which the strong, whether running *toward* the one or *away* from the other, must fatally trample underfoot whoever or whatever comes in his way. Gold being on the wane, Rubber has become the adventurer's fetich to-day. A dark, sluggish vein of crude rubber floats down the Amazon and its thousand tributaries as the concretion of

the sweat and blood of the Indian of our very day and land.

Within the huge virgin forest that spreads its labyrinthine growth from the Colombian to the Bolivian frontier, and across from Perú to mid-Brazil, the oldest sport in history, man-hunting, goes on incessantly, sometimes the "cannibal" after the "civilized man," but more often the latter going in search of peons for the rubber-tapping season. These men, like their forerunners of three centuries back, are energetic, unscrupulous, inexorable—gamblers all, whether with life or fortune. Now, the fact that three important books have been written on the brutal expoliation of the Indian in South America within the last twenty years, attests to the persistency of this problem. A Bolivian sociological student who happens to be an artist also, Alcides Arguedas, was the first to cry out in "Raza de Bronce" against the social conspiracy to shut up all ways of salvation for the descendant of the Aymará and Quechua-speaking communities. Later, the Colombian explorer and novelist José Eustasio Rivera spread on a canvas of many hues the magnificent horrors of the rubber jungle, when he wrote "La Vorágine" upon his return from a surveying expedition to the Amazon basin. And now the Peruvian

Luis E. Valcárcel comes to point with a warning hand to the conflict of Indian and alien culture in a book purposely entitled "Tempestad en los Andes."

These writers are messengers of a rebellion against feudal methods of dealing with the Indian which is already maturing into fruition in Mexico and Perú through an Indian art renaissance. Native arts and crafts, seemingly ungainly and often hermetic to the white man's mind, speak nevertheless with unmistakable appeal to the youth of these countries. Indian communistic principles, the doctrine of primitive Christianity and the modern ideals of economics sifting through Russia from the Orient, have met and found themselves in sympathy with one another.

IV

The bitter moral culled from these facts is that Father Las Casas suffered for nothing his three-score years of pilgrimages and persecutions, for the descendants of his beloved "children" are to-day no better off than they were under the first onrush of the Conquest. M. Brion, maintaining throughout the even tone of the historian, dwells at length on the

astounding spectacle of this man contending single-handed, as self-appointed attorney for a whole race, against the greed and pride of the dominant classes of Spain. Unexpectedly and far between through the ages has appeared one of these solitary figures—St. Paul, St. Francis, Iñigo de Loyola—in whom Christianity seems to assume a militant, invincible missionary impetus. In the example of Las Casas, we catch again the blend of arrogance and humility of the Catholic tradition, in these words with which he begins his peroration before the mightiest Monarch in Christendom, Charles the Fifth: "I am, my Lord and King, one of the first that to the Indies crossed"; and thereupon, with the contempt for family ties of which we may find the precedent in the Gospels, he proceeds to charge his own father with guilt in his dealing with the Indians.

Mr. Brion, a French writer, scholar and traveler of the post-war period, perceived, no doubt, against this background of political readjustment and the agitation aroused among the oppressed races, the true significance of a personality like Las Casas, who over three hundred years before was advocating a way of dealing with so-called backward peoples which, for broad tolerance and magnanimity,

matches on every side the most advanced policies of Great Britain and the theoretical internationalism of Woodrow Wilson. The author has dealt wisely and at length with the philosophical foundations of Las Casas' crusade, showing that the individual must be thought of as such and not as a soulless portion of a mythical personality—the State. His judgment is well-poised, and remains throughout equidistant from idolatry and prejudice.

Nowhere does the author appear swayed by nationalistic bias, though being French, he might have stretched a great deal the implications springing from the fact that Gallic blood of the Casaux flowed, mixed with meridional Spanish blood, in Las Casas' veins, thus accounting perhaps for the rare equilibrium of logic and imagination in the man. For there is no escape from Las Casas' simple dialectics; if Spain claims to be a Christian nation bent on the propagation of the Faith, then let us behave as such! The modern powers that pursue to-day similar imperialistic aims, whether in China, India or the Caribbean, under the cloak of similar moralizing and uplifting designs, cannot be otherwise challenged.

The present book is a belated tribute to the Andalusian priest whose white habit rushed through the battlefields as the sole banner of

truce in a world already growing dark with the smoke of strife, and in whose voice we hear once more undefiled the accents of the Sermon on the Mount.

ERNESTO MONTENEGRO

New York, June 15, 1928.

BARTOLOMÉ DE LAS CASAS

"FATHER OF THE INDIANS"

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"Father of the Indians"

I

The New World

The discovery of America tore down the thick wall that hemmed in the world of antiquity. The earth suddenly became larger. An entire, unknown world, peopled by red men, appeared on the other side of the ocean. And, from the time of the landing of the first caravels at the Islands, the extraordinary news that reached Spain set the imagination on fire. They had set out to look for spices, and had discovered a fabulously wealthy continent, rich beyond the daring of the most fantastic legends. Rivers, wide as seas, rolled up precious metals. There were immense forests, filled with the cries of multicolored birds; and, when the sailors were kneeling on the beach giving thanks to God, the savages, bristling with feathers, had come with all sorts of food and gifts. The humblest cabin-boy had been

treated by them as a demi-god, and had felt as if he were chosen to rule an empire.

The promises of the fantastic Admiral had been fulfilled an hundredfold. He had discovered a country where gold was the commonest metal. The natives covered the roofs of their temples with it, used it in paving the streets, and had laughed at seeing the sailors fill their pockets with such ordinary pebbles.

Even Columbus did not really understand the importance of his discovery. He maintained his former opinion of the unknown world existing there, but he had not foreseen such magnificent success. They marvelled at each little conquest: an island, then another island, then a strip of land the full length of the sea, and, several days' journey beyond, still another land, of volcanoes, mountains, and snow-peaks, and on beyond that, other lands still, and another ocean.

And all these countries cultivated and well-watered, adorned with populous cities, with temples and palaces, and with princes who came respectfully to meet the filthy, pale newcomers who were sick from voyaging and surprised at being worshipped as gods and overloaded with presents by these smiling and well-dressed chieftains.

The Americans were no less surprised at

this strange visit. Where did these supernatural beings come from, with their long beards and rough voices, some of whom seemed half man and half beast, like the centaurs of legend? Whether gods or devils, they had to be treated well, and it seemed, in all reality, as if they had the greed and ferocity of demons.

The Mexican empire, its decadent, voluptuous civilization wallowing in laziness and pleasure, did not oppose the coming of these foreigners. It received them with amiable indifference, fond of novelty. The Spaniards looked greedily at the sumptuous cities, built on canals, where ranks of terraces held unbelievable gardens decorated with golden trees whose fruits were precious stones.

The sailors who returned to Castile told, with a thousand exaggerations, of the magnificence of these Indies, richer and more beautiful than any land already known. A credulous and naive enthusiasm took the place of the scepticism that had followed the departing ships of Columbus. The wars against the Moors had just ended in victory, but without any great benefit to the soldiers who had fought in them. And now, suddenly, martial desire and ambition centered in the image that obsessed all minds: the New World. Charm

of mystery and danger, need for fortune, opportunity for battle and adventure: these the Spaniards found again in this Conquest that was offered them. And they started out in droves.

Among them there were poor men, driven from home by misery and boredom with the daily round, and lesser nobility, penniless, with nothing to do, walled up by pride and spite in their empty castles, adventurers one jump ahead of the law, captains without regiments, all very bold, very grasping, and occasional poets and dreamers, like Ponce de Léon, eager to be always young, and who would actually search for a Fountain of Youth. Fleeing, sometimes, a sullen household, or a meagre table, or the prospects of a dungeon cell, thrown with ecclesiastics eager for converts and notaries who were to make arbitrary acts legal, the Conquerors were the best kind of an army. They had nothing to lose, and everything to gain; the men of action could satisfy their need of movement; those who were ambitious, their appetite for domination; the grasping, their love of gain. Those who left behind them peevish women or desperate creditors could satisfy their desire to be let alone by playing with desperate chance.

Courageous, besides, and tenaciously and resolutely heroic. They had need of daring courage to brave the uncertainties of long voyages, of dangerous expeditions across unknown countries among red-skinned people who ate the men whose hearts they offered up to idols daubed with blood. With magnificent improvidence, they started out with little preparation, careless about re-provisioning, without assuring themselves of bases that would supply them with food and munitions. Dragging their cannon, carrying their heavy arquebuses, they marched—only a few had horses—through regions where they might expect to be ambushed and trapped, surrounded by hostile natives; they were melted by their cuirasses and helmets in that hot country, and frozen by the cold at night on the high plateaus. Encumbered by their armor, bucklers, and great cloaks, they would be on the march for weeks at a time, eating whatever fortune offered them, maize, cassava, chickens, and the little round dogs, sad, melancholy, and silent, which were the food of the Mexicans. Eaten by mosquitoes, poisoned by the "bubas," decimated by fevers, they penetrated slowly into a country where everything was unknown and hostile: the climate, the inhabitants. Whenever they entered a city as conquerors, they

had to leave precipitately by night through a hum of arrows, abandoning their supplies, their wounded, their gold.

Their leaders imposed upon them a severe discipline and maltreated them. For a slight disobedience they were mutilated; if they dropped out of ranks they were brought back at the point of a lance. They were allowed to pillage, it is true, but only so that they could be stripped in turn of their plunder.

They suffered from hunger and thirst, but they kept their hope. They joked with one another, amused by the most terrifying incidents, certain that they were to gain at least an empire. In spite of this hope, they employed their leisure moments in petty intrigue; always jealous and discontented, they would threaten to turn back, to abandon the expedition, but in reality they loved adventure too well to renounce it, and the profit they hoped to make. A sort of morale held them together, too, soldiers and captains. Submission based on pride, since, frequently, the humblest soldier considered himself as much a gentleman as his commander, and served with the fidelity of an aristocrat, through devotion to the King.

The captains of these romantic adventurers, Hernando Cortés, Christoval de Oli, Ponce de Léon, Sebastian de Belalcazar, Cabeza de

Vaca, Juan de la Cosa, cut off from their country, abandoned by the government which pretended to support them, were forced to face all the problems of the enterprise.

While they were on the march or fighting, their enemies at Court did their best to get them in disfavor with the King. If they did not send gold, they were accused of laziness and incapacity; if they sent a great deal, it was suggested that they should have guarded it better. When they asked for aid and reënforcements, they received fair words and flattering letters. These men, who overthrew empires and received kingly tribute, had to fight against the envoys of the Court who came to dispossess them of their commands, or, occasionally, to arrest them.

Hungry for power, the ambition of these leaders made them incapable of supporting each other. It is not astonishing that their men displayed the same arrogance; when Cortés built boats for his Mexican expedition, certain of his soldiers refused to man the oars under the pretext that they were gentlemen and such work would be degrading. The captains hated each other, quarrelled over futile questions of precedence, and were quick at drawing their swords. Did anyone know who exactly, commanded the army or governed the country?

One who had been provided with royal powers would be unable to enforce his rights for another might have taken command, and being stronger, kept it. The history of the Conquest is full of their disputes, and the King was deaf to them. Narvaez came, by the order of the King, to arrest Cortés, who put him in irons and sent him back, barely leaving him his head on his shoulders. As soon as Columbus had left Jamaica, his lieutenant, Francisco Porras, pretended to be independent and Columbus had to hasten back to punish him. Wild with pride and ambition, they did not care what consequences would follow their rebellion. While Cortés was laying siege to Mexico, three of his lieutenants mutinied, and the general promptly sent troops to bring them back to obedience. Did they consider loyalty to King or devotion to public good at all? It is scarcely possible, for they cared for nothing but their titles and the taxes they could levy from the Indians. The strongest was the real chieftain among them; every officer dreamed of coming to power. In Nicaragua, Francisco Hernandez de Cordoba took up arms against his chief, Gil Gonzalez Davila. Cabeza de Vaca, that old hero, one of the finest figures of the Conquest, seized the government of Buenos Ayres by coup d'état, and, beaten, was dragged off to

prison. Cruel repression followed revolt. Rebel lieutenants were executed. Sometimes no one knew who was the legitimate commander. For years the Pizarro and Almagro factions fought each other in Peru, each battling for its rights and titles to the government of Cuzco.

With all this, religion and national pride, indistinctly mixed, gave them consciousness of a mission, retouched their wretchedness with idealism. At each halting-place, carpenters hastily built huge crosses which they set up at the crossroads. The first task of the soldiers, in entering a city, was to overturn the idols (which they did not neglect, however, to seize as booty) and to replace them with images of the Virgin, after having whitewashed the temples stained with blood, and forced the priests of Huitzilipoctli to keep flowers on the altars.

The conquerors were undeniably rapacious and pitiless, and especially in the second epoch of the Conquest. The offences to be marked against them fall less on the first explorers than on the governors that succeeded them; and it seems that it was precisely when the difficulties of their start in the New World were surmounted that the most reprehensible and serious offences began to be committed.

It is so much more difficult to judge these men when we see them at the same time cruel and debonair. They massacred the natives and tortured them with the refinements of extraordinary perversion, yet they could be moved by the goodness of the captive Montezuma, and treat him courteously. They would not have had the slightest scruple about killing him, if that were necessary, but in the meantime, they treated him with respectful and friendly affection, in contrast to their customary brutality and covetousness.

They were little concerned with the sufferings they imposed on the Indians because they paid little or no attention to their own sufferings, throwing themselves, sick or wounded, into whatever danger there was. Generous and grasping, foolhardy and wary, they reconciled in themselves all the contraries with a touching ingenuousness. Miguel de Unamuno has thrown perfect light on this dualism of the Spanish nature, the dualism Cervantes immortalized in the two heroes of his epic burlesque.

Let us forget for the moment the crimes of the Conquerors and consider the Conquest from the single point of view of its lyric magnificence. There are in all history few adventures comparable in grandeur. One should

read the record of it left by Bernal Diaz del Castillo, who took part in it as an ordinary soldier, and who tells the facts simply, the *Decades* of Antonio de Herrera, the books of Torquemada and of Sahagun.

Dressing their wounds after a fashion, eating whatever they could find, sleeping in their tracks in a moment of respite, playing their tiny armies against the considerable forces of the Indians, the Conquerors exacted of the *caciques* submission and conversion; and each success was for them merely a point of departure for other expeditions. Very few of these men died in their beds. Bernal Diaz reported that, at the date when he was writing, of the five hundred and fifty men with him under the command of Cortés, there remained but five, and "we are all old, afflicted with illness, very poor, burdened with sons and daughters to marry and with grandchildren, and the shabbiest of incomes; and thus we are passing our sad lives in the midst of fatigue and misery."

According to the Spaniards' descriptions of the Indians, they were a savage, idol-worshipping people, given to gross superstition, and to disgusting vices, ignorant, deceitful, lazy, and stupid. These people ought, then, to have thanked Heaven for having been discovered

by civilized men who bore promise of snatching them from natural barbarism and bringing them up to their own level. This portrait of the Indians was so widely disseminated at Court and through all Spain that they were regarded more contemptible than fear-inspiring.

Their religious customs were particularly repugnant. They worshipped monstrous idols which were symbols of all the vices. Their priests, whose ears and tongues were torn by long nails for "the blood-offering," as the Maya bas-reliefs portray, impressed the soldiers with their long black robes, their hair pasted with blood, their faces mutilated and tattooed. They cut the throats, it was said, of innumerable victims on the altars of their gods. The existence of these sacrifices is attested by the stone figures representing the victims and the ritual knives found in the excavations in Yucatan. But the numbers given by the chroniclers, if we are to believe the most conscientious of them, must be considerably reduced.

Cannibalism must, it seems, be considered as exceptional. Bernal Diaz certainly exaggerates when he says the Indians ate human flesh "absolutely as we do butcher's meat," and the drawings that represent a butcher's

shop lined with heads, feet, and hands, were inspired more by fantasy than fact. What we know of the Indians proves, on the contrary, that they lived chiefly on vegetable foods, consisting, in the main, of maize, and the meal the Spaniards called "pan caçabi." Dog was a rare and unusual dish.

Cannibalism, moreover, contrasts oddly with the gentle manners confirmed by such Spanish historians as Sahagun, Torquemada, and Clavijero. It is possible that certain savage tribes made use of human flesh, but one may believe that in Mexico and Peru the custom was related more to religious rite than to food habit, properly speaking. Sahagun describes at length the curious *fêtes* by which the slaves destined to be eaten were fattened. During them they were treated as princes, for several months, in the course of which they were permitted to satisfy every desire. There is no example of an occasion when human flesh was eaten without being preceded by a religious ceremony consecrating the victim to the gods. It is probable, too, that only the priests ate of them. The general aversion of the Indians to human meat is confirmed by the fact that in periods of famine and during the sieges they preferred to die of hunger rather than touch the bodies of their companions. This re-

duces to nothing the legend that cannibalism was habitually practised by the Indians.

One must, without a doubt, consider as exaggerations the charges relative to vice so often made by the chroniclers. According to them the towns were full of young men dressed as women who practised sodomy, and, as Bernal Diaz says, "made great profits from it." It is possible, but Las Casas declares that he never saw anything like that, and it is probably a malignant generalization from a few special cases. Carried away by their zeal to exploit the Indians, the conquerors took advantage of everything that would arouse the anger and disgust of their compatriots. The great majority at home, not knowing the inhabitants of the New World, when told about them by the soldiers with exaggerations calculated to challenge their bravery and moral indignation, believed implicitly in the accuracy of these tales and held legitimate the slavery imposed on such barbarous people, really more like beasts than men.

The Spaniards, wrote Bernal Diaz del Castillo, suppressed idolatry, shameful vices, sodomy, and incest, among the Indians. The great majority of natives were converted. Churches, decorated and provided with bells, were built. "There are choirs now, of excellent

voices, sopranos, and contraltos." All of the baptized Indians knew, in their own tongue, the prayers to be said. They had learned the religious customs, such as bowing in passing before the altar, the cross, the images of the Saints. For certain *fêtes* they held processions with candles and litters bearing statues, and sang orisons and litanies. They had learned too the trades practised in Spain. There were gold- and silver-smiths, lapidaries, painters, and carvers, and these artists designed pictures of remarkable spiritual beauty. Bernal Diaz cites three Indians of Mexico whom he named as Andrès de Aquino, Juan de la Cruz, and Cespilla, who made reliquaries, and who, according to the good chronicler, could not be equalled by Apelles, Michelangelo, and Berruguete. The children of good family could all read, write, and copy books of plainsong. The Indians were equally apt at all trades: "There are workers who weave silk, satin, and taffetas; others who make woollen cloth to a width of twenty-four thousand threads; they make tapestries, felt, clothing, and rugs; they are wool-carders and weavers, exactly as good as those of Segovia and Cuenca; they know how to manufacture hats and soap. There are two things only that they have not learned in spite of the care with which they have been

taught: the making of glass, and pharmacy. But I have such a good opinion of their intelligence that I expect to see them succeed in this, for some of them are already surgeons and herbalists. Moreover, they have conjurors and marionette shows; and they make excellent mandolins. As for being industrious, they were instinctively that before we arrived in New Spain."

The "benefits of civilization" so listed by the author of the "Conquest of New Spain" were paid for at a terrible cost. We know, besides, that the population of Mexico and Peru had known a very high degree of culture, and what remains to us of their architecture, and of the statues and frescoes that decorated their temples, shows us that perhaps there was little for them to learn from Europe in the matter of the arts. Perhaps only the making of hats and mandolins?

Bernal Diaz seemed to believe that he and his companions brought state organization and municipal order to the New World. However, at the time of the Conquest, the Aztec empire, and that of the Incas, even though largely decadent, were still well administered. There was even a bureaucracy, important and well-organized, that astonished Cortés when he took possession of Mexico. In certain cases it

was easy for the Spaniards to replace the native authorities by an administration copying that of Spain.

"The result is that they elect, every year, their justices of the peace, aldermen, recorders, constables, tax-collectors, and magistrates. They have municipal houses with *conciérges* who meet twice a week; there they administer justice, taking care to look out for the regulation of those for whom they are responsible, and punishing by whipping certain criminal deeds; but if the death of a man or other grave offence is involved, they bring the matter to the governor whenever they are not in the jurisdiction of a high, royal tribunal."

When the Spaniards landed in the New World, they found in the native races there an easy prey. It would not have been the same if they had come in conflict with the powerful Maya empire, which had broken down at the beginning of the fifteenth century. The disorder which followed the fall of Mayapan, the dissensions between the emperor of Mexico and his vassals and feudatories, made the conquest of the country easy for resolute men who made up for their numerical inferiority by their audacity and the superiority of their weapons. On the other hand, Cortés cleverly used the hostility of the peoples subject to Mexico

to enroll them to march against Montezuma. He used the physical prestige of the Spaniards to impress the natives. The Indians, beardless, thin, and small of stature, admired these vigorous and tall beings whose bearded faces inspired respect and fear. From their arrival they were regarded as "teules," demi-gods, and devils, whose anger must be appeased and willingly conciliated. The monstrous appearance of the cavaliers, whom they believed to be new beings, union of horse and man, was sufficient to terrify whole armies. That which most emphasized the supernatural character of the new-comers was the thunder they commanded and carried enclosed in their cannon and their carbines. At the beginning of his expedition against Mexico, Cortés took great care to conceal his dead and wounded in order to create the legend of their immortality and invulnerability.

If it appears, at first sight, unbelievable that, with such feeble armies far from reënforcements and all re-provisioning, the Spaniards could conquer the greater part of America in a relatively short time, one can better understand their success when the political situation of the native empires are examined, and the physical inferiority of the people is taken into account, and the superhuman char-

acter that fear imagined in the conquerors, the terror that their intrepidity and cruelty spread among their unfortunate adversaries.

The conquerors took the opportunity offered by these advantages to massacre and reduce to slavery the inhabitants of the New World. Would the Conquest have been as easy if they had relied only on kindness and preaching? Monks and priests believed that it would have been. The military maintained, on the contrary, that only violence could intimidate the Indians, who would have been hostile if force had not been used to subdue them.

II

Dark Aspects of the Conquest

The chroniclers and historians do not conceal the excesses of the Conquest. Some of them found these excesses entirely natural. Bernal Diaz del Castillo, for example, found nothing wrong in killing pagans who worshipped idols with blood sacrifices, who practised sensational vices, and resisted the envoys of the King of Spain. Antonio de Herrera points out, occasionally, the violences of which the Indians were victims, but he never dreamed of being indignant about them, and did not reproach the officers with them unless troublesome consequences had ensued and brought misfortune to them or their soldiers. Bernard Vargas Machucha, another captain who had dealings with the natives, found the means employed to conquer them legitimate and necessary.

Along with the warriors eager to justify themselves there were scholars and jurists, theologians even, who found judicial basis for the grossest abuses of power.

All the American provinces shared in the frightful depopulation, but it seems that the islands suffered even worse than the mainland. Weak, and offering little resistance, not fitted for labor, used to depending solely on the abundance their warm climate offered, the island races were weaker, and less well organized, from a political point of view, since they were scattered in little villages rather than united and disciplined as were the great empires of Mexico and Peru. The ravages of the Europeans resulted in more victims there than elsewhere: and not only due to butchery, but to epidemics resulting from contacts with a new race, and the prodigious mortality caused by enforced hard labor.

The historian Gómara, who is impartial, tells us that in 1553 there was not a single Indian left in Cuba, and Fray Luis Bertrán attests that 20,000 natives were wiped out there. Famine accompanied massacre and devastation; in three or four months seven thousand children died of hunger.

It is heart-breaking to recall the martyrdom suffered by these lands, but it is indispensable to cite some of the facts which aroused the indignation of the Spanish monks and compelled Las Casas to write his *Brevissima Relación.*

As the conquerors themselves confessed, the natives received them with good will and offered them everything they desired. But encouraged by their docility, the Spaniards took advantage of them and in a short time had eaten or wasted all the provisions which the Indians had amassed with great care.

It would seem that the fear and veneration that the Indians revealed to the new-comers aroused in them a homicidal frenzy. Sure of impunity, they could without constraint abandon themselves to their passions. They violated the women, without sparing those of the native chiefs, carried off children, demanded tributes from the *caciques* out of all proportion to their meagre resources, and impressed whole populations into slavery. In San Domingo the captains took pleasure in roasting their captives, wrapped in straw, at a slow fire. One of these worthies, who could not go to sleep for the cries of a victim under torture, commanded the executioner to strangle him; but the executioner thinking that this would end the sport too quickly, contented himself with gagging the poor wretch.

If such deeds had been isolated events, or the doings of a criminal, history would not have retained them, perhaps. Unfortunately, these

atrocities were quite customary, and did not disturb even the most decent of the conquering captains. A madness of destruction burned like a fire in these soldiers worn out with fatigue and crazed with greed; a sort of habit in evil had its climax in letting them consider the most repulsive and horrible tortures as entirely natural.

The caciques of Cuba were almost all of them burned at stake. Guarionex was executed after having seen his wife violated by soldiers. Caonabo, king of Maguana, escaped being burnt, but he died in a storm at sea while being taken captive to Spain. Queen Anacaona, who succeeded her brother Behechio, tortured by the conquerors, was captured and hanged.

The greatest captains were not less cruel than the others. In New Spain the troops of Cortés dispatched them by hecatombs, annihilating whole provinces. In the conflict of the Spaniards with the troops of Montezuma one can to a certain extent excuse the violence of infuriated soldiers who witnessed the agonies of their comrades as they were slain during the "tragic night," pierced by arrows or drowning in the canals, or those who, besieged in Mexico, saw their companions sacrificed on the temple terraces. But apart from actual

combat, what useless atrocities and savage devastations, in the course of which scarcely woman or child was spared!

The governor of Yucatan, Francisco de Montejo, seized children to feed to his dogs. The remonstrances of the monks were futile. When a priest tried, one day, to save one of the children, he saw it torn to pieces before he could even baptize it. Often the pleasure of destruction alone drove the governors to these massacres, from which they gained nothing, and which destroyed, stupidly, the labor supply the Spaniards needed. Without provocation, without other motive than that of frightful caprice, the governor of Rio de la Plata executed, in one day, five thousand Indians.

These few examples show us that the figures cited by the priests, especially by Las Casas, which set at more than twenty millions the total of Indians slain, are unfortunately credible. When one adds the slaves killed in the mines, the porters who died of exhaustion on the roads, the victims of actual war and those of the barbaric executions, one has a total that staggers the imagination, but which is borne out by the facts, reported so often, that in certain regions, only a few years after the discovery, not a single Indian was left alive.

In one of his works Las Casas speaks of "the hell that is Peru," and it was this country, perhaps, that suffered most among the continental countries at the hands of the conquerors. This empire, discovered in 1513 by Vasco Nuñez de Balboa, dazzled the Spaniards by the wealth of its cities and its mines, and became the pawn of the interminable wars the Pizarro and Almagro factions fought over it. The Inca Atahualpa has left in history the memory of his tragic suffering borne with a courage and grandeur of soul that should have moved even his executioner. Francisco Pizarro, having seized him, demanded a ransom of four million *castellanos d'or*—the castellano weighed more than four grammes—then, when he received the ransom asked, he burned the prisoner at stake under the pretext that he had declined to be converted. Nothing better illustrates the words of Las Casas: "If the devils themselves had gold, the Spaniards would attack them for plunder." These were not devils they encountered, but timid beings who were obedient to their commands. It even seems as if their submissiveness must have irritated the Spaniards instead of appeasing them, for it was useless for the Indians to surrender and give up their gold, since they did not escape with their lives. Sebastian de Belalcazar con-

demned to the stake the caciques of the province of Quito who of their own will had submitted to him. In his turn Alonzo de Torros terrorized the country until the day when he was stabbed by his brother-in-law, Diego Gonzales de Vargas. The gold of Peru seems to have laid a doom upon all who possessed it; when they had wiped out the Indians, the conquerors, inflamed with greed, continued to fight among themselves, usurping power, and inciting mutiny.

Torture by fire was the most common ordeal inflicted by the soldiers on their victims. Oftentimes they would surround a village and imprison the inhabitants in the largest house and set fire to it. These houses of wood and reeds burned very quickly, and if by chance a native attempted to escape from the burning ruins, the soldiers would bring him down with arrows. On one occasion when a religious named Ocaña had rescued a child from the flames a Spaniard tore the child out of his grasp and threw it back into the fire.

Vargas Machuca explains, not without embarrassment, that the treacherous Indians laid in ambush in their houses and riddled the Spaniards with poisoned arrows and that the only means of dislodging them was to burn the houses down upon them. What excuse

would he have found to justify the agony of thousands of unarmed Indians who were put to torture to make them reveal the hiding place of their treasures?

The caciques who could stoically endure the torture by fire did not resist the threat of dogs. The Indians, who had never seen such beasts, —the dogs they raised for food were small, fat, and did not bark—dreaded the ferocity of the animals the Spaniards had trained for war, and which were made such a terrible auxiliary. In battle the dogs played an important part, especially during the early years of the Conquest. The discharge of a bombard or an arquebuse was all that was necessary to put an army of natives to flight, frightened at this noise of thunder; and while they ran in disorder the Spaniards would unloose their dogs. These great beasts pursued the poor devils and tore them to pieces. Ordinarily the presence of a dog, loudly barking, or showing his fangs, would terrorize the caciques, and make them decide to give up everything they had. The Spaniards used this efficacious method very frequently, and among others, Vasco Nuñez, who turned them loose on King Poncra and all his retinue because he had brought gifts that seemed insufficient to the governor and protested that he could not give more. The

Decades of Herrera, which relate numbers of such exploits, preserve for us the name of one of these dogs, that of Nuño de Guzman, governor of Cuzco. The dog was a very ferocious animal answering to the name "Amigo" (Friend).

He tore to pieces a cacique who refused to supply laborers, and the Indians feared him as a demon throughout the whole country, where his name was a byword.

Animals were useful allies for the conquerors. The Indians, who had never seen horses, believed at first that horse and rider were one. As for the dogs, tame to the Spaniards, and savage to the natives, they thought them monsters that the whites had for friends. And more than the soldiers and their arms they feared these unknown creatures until, in one of Cortés' battles with the Mexicans a horse was killed. Montezuma himself cut off the animal's head and had it exhibited in all the towns of his kingdom to show his subjects that these animals were neither invulnerable nor immortal, as they had believed.

Several dogs were taken on the Expeditions, to track down the natives, find their hiding places or ambushes, distinguish their trails from those of the Spaniards, and terrorize the countryside. Certain captains, such as Jorge

Robledo and Francisco Bobadilla, trained them to fight like wild beasts, and Herrera notes that a Castilian accompanied by a dog was as secure as if he were escorted by a hundred men. The Spaniards were careless about feeding them, letting them forage for themselves. However, when they set out for the interior of thinly populated sections, they drove along with them Indians fated to be fed to the dogs. When the animals were famished they were turned on to the slaves. The more humane of the captains took the precaution of killing the slaves first, but others turned the dogs loose upon the terrified living victims. It was a fairly common sight to see armies accompanied by processions of slaves chained together, says Las Casas, "like droves of pigs." Food for the dogs.

The Spaniards were not quick to regret the waste of lives and forces that made their conquest bloody. A gratuitous labor supply was so easily recruited that no one dreamed of taking care of it. While they were obliged to husband their munitions and supplies parsimoniously, since these were difficult to replace, they could, with scarcely no trouble at all, capture and enslave thousands of men. All that was necessary for that was to raze a village, imprison and torture the cacique until he gave up to them

the number of slaves demanded. When these died, others could be so quickly found to take their places that their loss was insignificant. Soldiers, among themselves, traded captives for a flitch of bacon, or a glass of wine. For a cheese one could pick, from a hundred or two hundred women, the most beautiful and vivacious. Sick captives, or those who were in any way feeble, were abandoned. No one bothered with them; they were not worth the food one had to give them.

It was the same with all the wealth the conquerors found in "the Indies." Burning the crops, slaughtering the herds, they destroyed, for the slightest reason, everything they took possession of. Treasuries of untold artistic value were melted down. Jewels beautifully set were hacked apart. The conquerors took greater care of cattle and grain than they did of the natives—for these were the cheapest commodity the country had to offer, and they obtained the least attention. It was necessary, however, to replace them frequently for the natives could not survive the work forced out of them. Of a delicate and fragile constitution they were a declining people, incapable of enduring fatigue and change of climate.

They were not fitted for war. If they had been united for a courageous struggle against

the Spaniards, it is possible that they would have succeeded in repelling them or at least in making their ultimate victory difficult but they gave up to despair. Even though the slightest illness often proved fatal, they preferred to escape by suicide from the sufferings that overwhelmed them. The conquerors did not fail to complain about them, and we read the reproach, somewhat ironic, that they gave themselves to death rather than undergo maltreatment. It even seemed to the Spaniards that the natives were prejudiced against them and that it was with a desire to be disagreeable that these unfortunate victims chose that method of evasion. The fact, frequently stated, that entire villages committed suicide, attests to the vigor of their dread of the Spaniards. One can imagine to what degree their despair reached when they did not even attempt to defend themselves. Very often Indians killed their families before committing suicide, to save them from falling into the hands of the conquerors. They knew that they could expect no pity, and those who tried to gain attention by petitions, tears, docility, or by gifts were not better treated than those who resisted. Their gifts were taken and then they were killed.

The first navigators who discovered America were not primarily thinking of gold. They

were seeking a new route to the Indies for the spice trade. But the jewels they received in homage, when, believing themselves to have arrived in the Indies or in China, they disembarked in the New World, those they found in tombs, the treasures they found in the temples and palaces, all the unexpected wealth discovered in profusion changed completely the orientation of the Conquest. In this country gold and silver were common metals, and it was necessary only to threaten the Indians at first to obtain whatever they desired. Fabulous prosperity appeared, like a mirage, before the eyes of the conquerors. When the treasures were exhausted, they pursued gold to the mines, and the native population were forced to extract it to satisfy the new masters. These hopeless workers incapable of enduring such labor, completely crushed because they had no rest, and were given only enough food to keep them from starving, dropped of exhaustion in their tracks after a few days of it.

Others were employed in transport gangs, and they had to make long marches in the terrific heat of the "hot lands" or under the glacial winds of the mountains. They were driven, weighted with heavy loads, hundreds of leagues from their villages. None of them ever returned. Long chains of slaves followed the

conquerors, and if it happened that one of the captives fell exhausted, his fall did not stop the forward march of the column. It was too much trouble to remove his iron collar; a soldier merely struck off his head: it was simpler. In the train of a captain, there died in some fashion, on a single journey, more than ten thousand Indians; and one chronicler states that of a troop of six thousand slaves who left Quito, only twenty survived the terrible crossing of the "hot lands."

Other slaves were used in pearl fishing. Especially the natives of the Bahamas, who were facile divers. Many of them were drowned after exhaustion, or were devoured by sharks, although they were splendid swimmers and renowned in their art.

The slavery of the Indians, which, with massacre, almost denuded Latin America of population, began with the arrival of the Spaniards. At the beginning only armed men were made slaves. They were treated as rebels, and were branded on the cheek with the letter G, indicating that their captivity was not an arbitrary act, but the exercise of the right of the captor, according to the customs of war. Branding or maltreatment of the peaceful Indians was forbidden. But the benefits that accrued to the captains from their cap-

tives stirred the Spaniards to increase the numbers of them whether or not there was war or rebellion. Very shortly it became the habit to brand and enslave all the Indians they came upon. In certain regions by some conscientious scruple the liberty of the Indians was recognized so long as they worked willingly for their masters; but if they took refuge in flight to escape maltreatment, they were tracked down and formally then became slaves.

It is necessary to recognize, however, to the credit of the Spanish government that slavery was never ordered or authorized, except in the case of the Caribs, who were considered a savage and very dangerous people. The Crown made every effort to stay the deplorable consequences of the acts of the conquerors, but was never able to enforce obedience to its orders. In 1500, Queen Isabella, who took especial care to provide that Indians should not be molested, charged Bobadilla, the governor, to respect their liberty. But Bobadilla, who used a great number of them in working the mines to his own profit, paid no attention whatever to the order. The Court was far away.

Nevertheless, since instructions of the sovereign formally interdicted slavery, it grew

difficult to evade obedience. To submit to the letter to the interdict, without giving up the benefits of the system, it became necessary to find a legal arrangement which would keep the natives under Spanish domination, and at the same time have the appearance of preserving their liberties, to satisfy the Crown.

This arrangement was the *encomienda* or "recommendation," or as one might also term it, the mandate. In reality the encomienda preserved all the characteristics of slavery. Its source was found in the desire, manifested by the Crown, that the natives be instructed in the Catholic religion. As proposed by Isabella, this measure was to have been very favorable to the Indians, since it did not give them into the control of the Spaniards, but "recommended" them merely, and created fewer rights than duties in regard to the natives, to be observed by the *encomenderos.* But in fact, slavery theoretically abolished reappeared in this new form and became even more dangerous, having taken the mask of protection and kindness.

The encomienda was devised by the commander de Lares, who was named governor of Santo Domingo in 1502. To supply the needs of the three thousand men in his command on the Island, he imposed on the In-

dians the task of provisioning them and working for them. At the same time he petitioned Queen Isabella to allot the natives among the Spaniards on the island so that they, as he said, might be instructed in the Christian truths by edifying conversation and good examples.

The Queen consented on the condition that this "recommendation" would be favorable to conversion, and to the material well-being of the natives. She desired that they be treated as free persons, be paid adequately for their labor, and be engaged for a specified time. This engagement was to be accepted by them independently, without constraint of any sort, was to permit only reasonable labor, non-hazardous, and in proportion to their strength. Wages must be sufficient to provide their needs and those of their families. Sunday was to be respected as a day of rest, and the Indians were authorized to return to their homes every night, or if distance did not permit it, at least every Saturday. And finally, the greatest care was to be given in instruction in the faith.

These royal ordinances, very generous in spirit, served but to oppress the natives the more. The deed of encomienda was usually written thus:

> To you . . . are recommended . . . Indians for you to make use of on your plantations and in your mines, with the person of the cacique.

No mention of wages, one day of rest in seven, or respect of family life was made. This system in reality placed entire tribes of Indians under the arbitrary control of individual Spaniards who did not dream of anything save of getting the maximum of labor out of them for the least care and expense.

Violation of the wives of the Indians under encomienda was forbidden the Spaniards, but this prohibtion was not respected, and the masters established harems of native women and girls.

The men were sent to work the mines for ten months or a year at a time, and the women were used to till the fields. Exhausted with hunger and fatigue, mothers could not nurse their babies. The men worked almost without respite, beaten with whips or crowbars. They were very poorly fed—meagre bread made of root meal.

When they fell sick, they were allowed to die neglected, or at best were sent home. Little accustomed to hard labor, they died in great

numbers, and hundreds of others were impressed to take their places.

The conquerors ordinarily were as little troubled about the spiritual life of their *charges* as of their material well-being. They prohibited their going to church; it was a loss of time; and if the monks succeeded in gathering a few of them together, the services would be broken up by the enomenderos who would drive off those who were present.

The institution of *naboria* furnished another means of evading the interdiction of slavery. *Naborias* were free servants who worked voluntarily. If an inspector came to a plantation, all the slaves proclaimed themselves naborias for fear of the punishments they would have to undergo if they revealed their true condition.

III

Conquistadores and Monks

It is difficult to judge the Conquest equitably. The evil that was done should not obscure the heroic, and the good that was accomplished in spite of all. The excesses of many of the conquerors should not prevent our seeing the human qualities of many of the others, nor the intentions they had, at least in principle, of working for pacific colonization. They did not arrive in America with the brutal intention of stripping the continent bare, or of depopulating it. It would take a lengthy analysis to chart the psychological breakdown, and the force of circumstances that brought about this result.

The ships that brought them provisions and munitions also carried plants, fruit trees, cereals, vegetables, and with the horses and dogs,—military auxiliaries—goats, cattle and swine. Cortés, who gave his attention to agriculture when he had leisure from military campaigns, informed himself of native husbandry, and the means of developing it to as-

sure better yields. He experimented with vineyards, and even attempted to grow the mulberry in the hopes of starting a silk industry in Mexico.

As far as many of the captains were concerned, awkward blunder was as much to blame as malice. Brought up on prejudice, little given to reflection, they did not know how to study the psychology of the Indians, as the monks did, very successfully, and the captains were, without doubt, acting in good faith in affirming that violence was the only means of making them submit. A passive, and gentle race, decadent, and incapable of effort, the Indians disconcerted the Spaniards by the suddenness with which they passed from docility to rebellion. In reality, two peoples, completely foreign in temperament, faced each other, inexplicable to each other. That is perhaps the reason why the Spanish so often used a stupid and violent diplomacy, commanding the Indians that they adopt them as masters, and immediately and without explanation accept a king and a God they had never heard of, in contempt of their own traditional gods and princes.

The demons of gold and avarice that took command of the Conquest were responsible for the crimes that were committed. But all

of the conquerors did not permit themselves to be possessed by them. Although certain captains thought of nothing but pillaging the Indians, there were others anxious to found lasting colonies, to increase the prosperity of the country by improving agriculture and livestock, by introducing new crops, such as sugar-cane, grapes, olive trees, and fruits such as apples, pears, and quinces. The natives learned from them the arts of training horses, of improving breeds, of domesticating cattle, of sowing wheat, and of making bread. Little enough, of course, for lost liberty!

In any case, it would be very unjust to deny the positive work accomplished, in spite of the terrible destruction, by Spain in America, and on which M. Carlos Periera is right in insisting. Thanks chiefly to the monks, Spain was not late in learning that the New World could be a magnificent colony for development and population, and she arrested the systematic depredations crazily indulged in for several years. After the gold-fever, when the treasures and mines were exhausted, came the efforts toward normal colonization.

It would be equally unjust to reproach Spain alone for the excesses of which all the European nations were guilty in the course of their "civilizing" activities. One could

point out that the great movements which projected Europe beyond her borders and led her adventuring to distant conquests carried fatally with them the most brutal elements of her civilization. In times much nearer our own, and under less heroic circumstances, with less of peril in them, the spectacle of cruelty and similar exactions has not been spared us; the excesses of the conquerors find their replicas in the pitiless destruction of the North American Indians; the American race was almost entirely wiped out there as in South America, and "bloody rubber," the violence of the English, the lynching of Negroes in the United States, amply prove that the Spaniards did not have a monopoly in cruelty to the colored races.

It is important to recall that all these crimes were committed against the will of the Spanish Crown, which reproved those who perpetrated them. And one must set against the crimes with which the valor of the conquerors is tarnished the virtues which made splendid the valor of the monks who accompanied the soldiers. Certain religious figures participated at the same time as monks and as soldiers, and nothing is perhaps more characteristic of the period. What epoch, what country could show another like Fray Andrés

de Urdaneta, for example? This monk from a Mexican monastery voyaged for a long time with Loaisa, the Conqueror of the Philippines. He accompanied Legazpi on the most audacious expeditions, and frequently the good father took command of the fleet and ordered his ship himself with a hand as good at steering as at blessing. It was Urdaneta who discovered the celebrated route of "return towards the west," adding thus the renown of a navigator to his glory as a priest.

Another stalwart was Fray Marcos de Niza who followed Pizarro across Peru, Alvaredo in Guatemala, and Estebanico in Mexico. Certain monks were often the best counsellors of the governors, men like Fray Juan de Quevedo, who sustained and supported Balboa in his enterprises, encouraging him to persist against the treacherous intrigues of the Court and the jealousy of his rival Pedro Arias d'Avila.

From the beginning of the establishment of the Spanish in America, the clergy were as attentive in the activities of civilization as they were in matters of religious propaganda. To bring to the Indians the well-being their fellow men in Europe enjoyed, to introduce to them useful animals and plants, to teach them industries and arts; such were, after

evangelization, among the principal activities of the missionaries. All the monks and priests tried to ameliorate the conditions of life for the Indians. Some set themselves to the task of establishing schools for the instruction of children and adults, as Pierre de Gand did, and Juan de Zumarraga, with the hope of making a complete reconciliation and union between the Indians and Spaniards. Fray Alonso de la Vera Cruz founded libraries, Andrés de Olmés worked out grammars and dictionaries of the different American languages. Cardinal Cisneros, and especially Sahagun, to whom we owe the most valuable works on the native cultures, manners, and religions, tried to create intellectual bonds between the conquerors and their subjects. Others, such as Tomas de Berlangua and Sebastien Ramirez de Fuenleal, worked to transform the agricultural development of the country, importing from Spain the plants they wished to acclimate to the New World.

But the chief glory of the Spanish clergy, beyond all their other good works, was the courage, inspired by love, with which they defended the Indians against injustice, condemned cruelties, and put their trust in the Gospel in this environment of unchecked violence and passion. Convinced that the use of

violence was the greatest obstacle to the propagation of the faith they frequently interposed themselves between the Indians and their torturers. There were generous men who called upon the conquerors to respect humanity and to obey the teachings of Christ. Fray Antonio de Montesinos, who was one of the first to denounce the excesses of the conquerors,—Fray Bartolomé de Olmedo, the companion of Cortés, whom he forced often to be less brutal,—Fray Torribio de Motalma, called by the Indians "Motolina," an Indian word meaning "poor brother," because he gave to them everything that was given to him, going often without food in order to feed the natives. Among prelates and theologians in Europe who seconded their efforts were Pedro Martyr d'Anghiera, Francisco de Vitoria, and Antonio Ramirez, bishop of Segovia.

Of all those who fought for the unfortunate Indians there is one who particularly merits our admiration: Bartolomé de las Casas. He traversed almost the entire continent of South America, bringing the word of Christ to the Indians, comforting them with his compassionate sympathy, and inexhaustible kindness. There was not an island, nor a region of the known mainland where he did not go to vin-

dicate the rights of the suppressed. The Indians had so great veneration for him that he was able to pacify entire countries. Whenever a paper was presented to them purporting to be a letter from Las Casas, they would become docile and would welcome the messenger and his message. Las Casas merited in all truth the name given to him, "Father of the Indians." Nothing could stop him when he attempted to obtain the suppression of abuses. The anger of governors, the indifference of the King, Court intrigues, calumnies, and traps were powerless against his great spirit. His most implacable enemies acknowledged the grandeur of his apostolate. And of what attack was he not the victim? When he criticized the Spaniards he was accused of having sold himself to the enemy; when he opposed theories which appeared to him to have false theological justifications, certain others saw in him an agent of the Lutherans. Hatred tried to stain him, but he was too great to be affected. Juan de Torquemada, who discussed him frequently in *Monarquía Indiana,* could not refuse him his admiration and respect although he fought his opinions.

"I am intimately convinced," he wrote, "that he enjoys now the infinite glory of the company of the saints for the very holy zeal

with which he supported a thousand sorrows in the service of God until the end of his life and in helping the unfortunate Indians whom he saw without refuge and without protection. He had numerous and powerful enemies because he made known great truths: please God they may obtain before His Divine Majesty a part of the blessing which we believe he himself has found in Heaven."

IV

Bartolomé de las Casas

In the reign of Ferdinand III (the Saint), a Limousin soldier, of obscure origin, quitted France to seek adventure in Spain fighting the Moslems. Valiant and good-natured, he distinguished himself in many a battle until his bravery attracted the attention of the King. His Majesty, who in spite of his pious nickname, was more a man of the sword than of the prayer-book, noticed at the siege of Seville this soldier called Las Casas or Casaus; after the Moors surrendered the city, he remembered the Limousin, and since he possessed little money with which to reward great feats of arms, he made him a noble. We do not know whether the lucky adventurer received a fief or not, or whether he had to be content with glory and a coat of arms, but it is certain that at the time the Crescent ceased to float above Seville, this Las Casas took his place there and was counted among the nobles.

One may believe that he bequeathed to his descendants the taste for risks and the love of chance; we know of a Las Casas, a marine soldier, who was enrolled in Columbus' ship's register in 1492 and sailed with him on the glorious adventure. Sixteen years previously, this conqueror who accompanied Columbus on his first voyage, had become the father of a son whom he named Bartolomé.

Certain biographers of Bartolomé de las Casas, anxious to have him arrive in America, pretend that he embarked with his father on the second voyage of Columbus, in 1493. Father Augustin Saluchi affirms it, but it is scarcely probable. His father wished to make a scholar out of him, and had sent him to the university to study law, letters, and theology. Such studies were by no means brief at that time, and we know, moreover, that the young man did not leave the University of Seville until he had earned his diploma as licenciate. It is then, much more probable, as Remesal suggests, that he did not set out with Columbus until the third expedition, which departed on the thirtieth of May, 1498.

Two years and a half later, Bartolomé de las Casas returned, disembarking at Cadiz. He brought with him a slave given to him by the Admiral as a present for his services.

Slavery was at that time strictly limited. It is true that during 1494 and after, Alfonso de Ojeda had reduced to servitude all the subjects of the unfortunate cacique Caonabo, whom he killed by torture, and that Bartolomé Columbus, brother of the Admiral, had sent to the Court in 1496 three hundred slaves who were received with very bad grace by the Queen, who considered that the conqueror had used a little too lightly the vassals held directly by the Crown. However, the slavery that was to become the plague of the New World was at that time represented chiefly in the comparatively few Indians taken to Castile as specimens of the American races, or those given by the leaders to certain of their soldiers that they wished to honor with special distinction.

What was Las Casas doing during these years when, obeying the family traditions and his inherited instincts, he sailed the unknown seas and played the rôle of the conqueror among the terrified and dazzled natives? His destiny seemed to be the same path as that of his father and the Limousin ancestor, after a brief straying in the too quiet pastures of science and erudition. He was, without doubt, a conquistador like the others, concerned with fighting, an eager crusader against the

Mexican armies, and the hideous priests of the Plumed Serpent. However good and generous he was, he could have had no scruples about possessing slaves or pillaging cities, submitting, like the others to the immediate necessities of conquest, and not a little careless of law, morality, or theology. His fiery nature and whole-hearted enthusiasm would have given him entirely to the adventure.

He did not question the right to engage in this war in which the Indians were massacred by the thousands, nor the slavery to which an innocent population was reduced. The fatigues, dangers, joys and hardships of the campaigns left little opportunity for debates with conscience. The ease with which the Conquisitadores could abuse their force and prestige rendered them indifferent to the value of their acts. Hardened by combats, by hazardous voyages, and rough expeditions, proud, and in all justice, bearing their misfortunes heroically, they crushed the miserable Indians, idolators, in their pride as conquerors, Spaniards and Christians. It seemed to them a legitimate crusade, and it was sufficient for them to capture many prisoners, to obtain from the caciques the most gold possible, and some conversions, to make them feel justified and satisfied with themselves.

The monks who accompanied the conquerors deplored the cruelties of which the captains were guilty, and which injured victims and executioners. About 1509 Pedro de Cordoba, a Dominican missionary, founded a monastery at Santo Domingo. Several monks accompanied him, among them Bernard de Santo Domingo and Antonio de Montesinos. They found the Island almost completely depopulated by the destructive fury of the conquerors. So murderous had been the devastation that the year before 40,000 Indians of the Bahamas had been brought in to replace the massacred natives. The monks protested to the rulers, who turned a deaf ear, since they were to blame and were interested in all the exploitation. Then, seeing that they would receive no attention from that quarter, they complained to the King, and undertook to combat directly the spirit of avarice and violence by means of public exhortation and sermons. The soldiers listened to these excoriations, more amused than bothered, mocking the preachers and heckling them. Some of the conquerors were offended and insulted the monks, and but very few of them listened with any intention of conforming to this teaching.

Of the monks, Montesinos distinguished

himself by his zeal. Las Casas heard him one day. And a sermon changed the entire course of his life. Who knows what remorse surged through him, upsetting him completely? The veil of illusion was torn away. He had acted until then without any concern as to the meaning of his activities, nor that of the means employed. But when he was shown them in the light of reality, he detested the acts he had committed, and thought of nothing but making reparation. He freed his slaves. Fire burned always in his spirit, but the nature of this fire was changed, and now became love. Henceforth he was to live for the Indians, so that Christian love and justice should be extended to them. The voice of a priest had converted him: he understood that he too had to dedicate himself to God who had given him compassionate re-birth.

He was ordained a priest in 1510, by the first bishop of the Spanish Isle.[1] His first mass left in the minds of his congregation an ineffaceable memory, less because of the personality of the celebrant than of the great crowd of people who came to hear the first ceremonial mass sung in Cuba. This ceremony coincided with the date when the inhabitants of the island brought gold for coinage. High

[1] Santo Domingo.

mass and issue of money attracted all the native and Spanish population, and the first act of his priesthood was accomplished in the midst of the noisiest enthusiasm and excitement. Herrera tells us that there was something lacking, however, in the solemnity of the ceremonies; that the absence of wine hindered several priests in the celebration of mass, for the provisions of the island were all but exhausted; no vessel had come from Spain in a long time to renew them.

Las Casas joined forces from that time on with the monks who defended the natives against the violences and abuses of power of the conquerors. He found redoubtable enemies in the slaveholders. Attacked by the priests who accused them of desolating the New World and of dishonoring the Spanish character, the colonists and captains would not hear of being dispossessed, and resisted the injunctions of bishops and royal ordinances with every means at hand.

All of those who had obtained "commanderies" and employed thousands of Indians in the mines and in transport, used their friends at Court to intrigue against the monks and reduce their efforts to nothing. Montesinos, knowing that it would be impossible to make his protests heard from such a distance, de-

parted for Spain. In 1511, before an assemblage of jurists and theologians he debated the rights of the Indians against the Franciscan Alfonso d'Espinar, who—in spite of the traditions of gentleness and charity of his Order—held that it was perfectly legal to reduce them to slavery. After having heard the controversy, the assembly decided to create a superior tribunal to judge the felonious cases, and to authorize the importation of Negroes, interdicted up to that time.

In effect, access to the New World had been forbidden to Negroes as well as to Jews and Mohammedans. But Las Casas, seeing that the slavery to which the Indians were forced to submit held out the menace of extermination, had proposed that Negroes be imported for the heaviest work, like that in the mines, which they could endure more readily, being vigorous, than the natives, weak, worn out in compulsory labor, who were dying by thousands. He had lived with the conquerors for twelve years, seeing the depopulation of whole provinces, and he foresaw the annihilation of the American race within a few years if immediate remedy were not applied. Thrown with encomenderos and slaveholders, he knew how little disposed they were to obey the orders of the King. The monks could complain

to the Court, the Council of the Indies would make investigations and promulgate ordinances, but all that would be happening in Spain, and America was far distant. The complicity of the governors would put a cloak of silence over the most flagrant abuses, the orders of the King would meet respectful approbation with great promises of enforcement, but these would never be carried out. Bartolomé, accustomed to the quick decisions necessary in navigation and campaigning, understood that it would be necessary to fight for the most urgent changes. The slaveholders would never set them free of their own free will, and the government at Madrid was materially incapable of forcing them to obey. It was necessary then to choose the lesser evil and to replace a feeble race of slaves with one more resistant before the complete suppression of slavery would be possible of attainment. For many years, moreover, the Spaniards had possessed Negro slaves, and Las Casas had seen them in Seville, in nearly all the houses. The Portuguese had been engaged in this remunerative traffic since 1443. A few navigators had begun by carrying off a few Negroes from the Guinea coast to sell in Portugal and Spain; then seeing the considerable profits that could be gained in this traffic,

financial companies were founded with the aim of intensifying and organizing the trade. Various markets were established at Lagos, exclusively for the sale of Negroes taken from the regions of Senegal and Cap Vert. This traffic was admitted without shame, and practiced openly without scandal, and not a voice protested until Las Casas suggested utilizing them to diminish the sufferings of the Indians. Since the Flemish lords, at that time influential at the Court of Spain, favored his proposition, it was pretended that they were opposed to the slavery of the Indians and recommended the importation of Negroes because they themselves possessed great interests in the Portuguese companies engaged in that commerce. And naturally Las Casas was accused of being subsidized by them and of expecting to participate in the profits that they counted on making.

Some serious historians, like Robinson, repeat this libel, and accuse Las Casas of having introduced Negro slavery in America. They forget that it already existed there; from 1508 according to Hargrave, 1503 according to Charlevoix, and even 1498, if one may believe Herrera, who was well informed in American affairs. It must have been fairly common for in 1503 the governor, Nicholas de

Obando, who favored Indian slavery, forbade the importation of Negroes, and in 1506 his prohibition forbidding any Negro to land in the New World was ratified by the King. In spite of this, the introduction of Negroes continued; and in 1510, King Ferdinand V sent fifty to Santo Domingo himself.

The Assembly of Burgos did nothing more than take advantage of an existing fact, and recommended on the initiative of Las Casas the most practical measure capable of stopping the destruction of the Indians, by transferring from their shoulders the heavy burden of slavery and saddling it upon stronger backs.

The theory of the lesser evil is one that Las Casas invoked frequently, on the occasions when he was faced, by the evil genius of man, with an obstacle all but insurmountable. It is an example of the realistic character of his thought. This man of austerest ideals did not fear to observe facts and to act in conjunction with them. Politician, diplomat, warrior, Las Casas was all these as well as a religious, and he had need of all these qualities of character to resist his enemies effectively. When he could attain his end with one blow, he did not hesitate, but when immediate success seemed impossible to him, he preferred to advance a

step at a time rather than to pursue a chimerical adventure in vain.

Don Quixote? There might be a curious parallel made of Las Casas and the Chevalier de la Mancha. In reality, the idealism which Cervantes satirized is that which pursues its dream careless of realities. Negative idealism, abstract, destructive, sterile. Exalted by the tales of chivalry, intoxicated by "literature" the Knight reconstructs the world according to the caprices of his imagination. Since he begins by denying events and men, he cannot act rationally in relation with them and in spite of all his will to good, he succeeds only in performing ridiculous or harmful deeds.

The idealism of Las Casas was not at all of that order. Its basis consisted in an idea rigidly held to the facts. Its subsequent expansion kept in mind the double point of departure. A practical idealism, idealism applied, always mindful of realities, of visionary realities sometimes, but also those in sight, always preoccupied with the choice of the opportune measure, this idealism is only the mode of action native to a man conscious of his fate.

At the same time that he studied the measures necessary to put an end to the suffering of the natives, Las Casas fulfilled his duties

as priest in the little village of Zanguarama which he had been given as his charge. It was one of the most wretched and difficult parishes in Cuba, for there were there a certain number of commanderies which submitted the Indians to iron servitude, and the pastor had a difficult time to evangelize the heathen and recall to the Christians the most elementary duties of their religion. While he exerted himself to convert a population docile but stricken with fear, fatigue, and anguish, he informed the general of the Dominicans, Fray García Loaisa, of the lamentable slavery these wretched people suffered, and interested him in urging the King to devise some remedy. Loaisa made himself the interpreter of these petitions; shortly afterwards, King Ferdinand, much moved by the reports of Las Casas, prohibited slavery in all parts of the New World, except in regard to the Caribs, who were considered more dangerous than the other American natives because of their ferocity and their cannibalism.

Las Casas did not dare rejoice too much at this success; he knew that royal ordinances lost most of their efficacy in crossing the ocean. There was, however, at this time, a governor who, touched by the generosity of Las Casas and the ardor with which he de-

fended his "children," befriended him and put himself out to help him. Diego Velasquez was honest and straightforward, but he was somewhat helpless before conquerors and colonists who acted according to their own caprices and had little respect for his authority. He had, however, a strong desire to second the proposals of Las Casas, and when he had to depart for Spain, he invited him to quit his parish of Zanguarama to become the adviser of his lieutenant, Juan de Grijalva, who was to become governor in his absence.

Don Bartolomé had frequently obtained from Diego Velasquez pardons for Indians who had run away, or who could not furnish labor levies or tributes demanded. When the natives of Mazei, who had abandoned their village at the approach of Pamfilio Narvaez were captured and condemned to death, Don Bartolomé intervened before Velasquez and obtained their pardon.

A short while afterwards, he was designated to accompany the expedition of Narvaez to Bayano, Cueyba, and Camaguey. Diego Velasquez had advised Captain Pamfilio to spare the Indians, but this conqueror was typically brutal and cruel. He treated his soldiers as abominably as if they had been natives, and one dreads to relate the ferocious

deeds that promptly made of him one of the most redoubtable Spaniards in the New World.

Thrown together in the same company were one of the fiercest executioners of the Indians, and the priest who had assumed the defence of the victims. This expedition was for him a frightful test. Narvaez, knowing that Don Bartolomé suffered with each torture inflicted on the Indians, multiplied vexations and brutalities at first; each time, however, the priest obliged him to listen to his protests, and not infrequently he was able to stir him to pity and consideration. Whenever he could move him to even momentary compassion, he succeeded in saving a village from slavery or death.

Whenever they learned of his arrival, the Indians, forgetting that the terrible Narvaez was in command of the expedition, rushed up to him. The soldiers, amazed, observed them crowding around him to kiss his hands or his gown. They felt, confusedly, that a different power reigned among them, and that this unarmed man was more powerful than they. If Las Casas' name were mentioned, that was sufficient to bring the natives in crowds with their women and children,—they who habitually hid in the deep forest at the approach of

a Spaniard. Las Casas received them gladly; he heard their plaints; he protected them from too severe maltreatment. When he gained one of these peaceful victories, there were always exclamations of joy; the fugitives who had escaped to the mountains returned, or, if they had been too afraid to venture out of their hiding places, it was Las Casas who went to find them and bring them home. Narvaez stormed and threatened, but ended by giving in. He was less docile than Diego Columbus; on occasion he would listen to nothing; in spite of the protests of Don Bartolomé, burning villages, turning the dogs loose on the women and children, but these were the violences of a hardened old soldier, who calmed down just as suddenly. The task of Don Bartolomé became much more difficult when he confronted another adversary, Rodrigo Albuquerque.

Here was a cold, dry, silent man. Brutality, a frequent quality of the Conquistadores, was in him an insatiable eagerness, a perverse cruelty. With a contemptuous and glacial courtesy he would listen patiently to grievances, then, without turning a hair he would order new massacres, additional spoliation. Las Casas knew how to reach the heart of Velasquez; it was usually possible to get the better

of or turn the force of the angers of Narvaez, but he found in Albuquerque the formal politeness of a grand seigneur united to the most implacable ferocity. This man had received from the King a commission that put the whole population of the New World at his mercy. He had been named, in 1514, "distributor of the Indians" and this position gave him the power to allot the natives among the various commanderies. He did not hesitate to denude countries of their population to swell the gangs of slaves who worked under the clubs of the Spaniards. He gave commanderies to his creatures and relatives, retaining for himself the greatest share of the profits, but earning by his generosity followers and conspirators. At the Court his influential friends intercepted all complaints sent to the King. In exchange, he recognized their services by gifts of slaves and lands, basing his power in this way on a community of interest favorable to the maintenance of this servitude.

The struggle between Las Casas and the Distributer soon reached an open break. Indifferent to his reputation and prestige, the priest multiplied his remonstrances; he attacked him from the pulpit. Albuquerque listened to these sermons with attention, and, strong in his impunity, smiled coldly at such

excitement. Las Casas invoked the formal interdiction of slavery promulgated by the King. Alas, under the very eyes of the judges Indians were branded, were crowded by hundreds into boats, being shipped for sale in other parts of the county. The governors, who were neither controlled nor watched, enjoyed an independence all but complete. The orders of Madrid were mislaid at sea. Albuquerque, whose family occupied the strategic positions, himself enjoyed the supreme authority after that of the Council of the Indies and was too assured of his strength to pay any attention to the lamentations of a priest of the lesser nobility who was so much a figure of revolt, unpatriotic, subversive.

Las Casas realized that he could never find the heart of the Distributer, and that his protests would never reach the ears of the monarch. The letters which he had written must surely have been intercepted. It was not enough to write to the King; it was necessary to see him, to talk to him, to make clear to him the plight of the Indians. Las Casas did not hesitate; he departed for Spain in 1515.

V

Journeys

When he arrived at Cadiz, the Court was sojourning at Plansencia in Estramadura. Quickly informed of his arrival, it immediately set about to bar all routes. The news was promptly spread that a priest had arrived from America to make accusations against the governors, and preceded by this rumor, Las Casas found in the polite reception given him a firm resolve not to let him speak with the King. The only friend that he met at Court was Tomás Matienzo, confessor of the King. Thanks to him Las Casas was able to reach the King and make his protests. Ferdinand listened to him, and thanked him for having informed him of these facts. But it would be more suitable, he said, if Don Bartolomé were to give a complete account to three persons, whom the sovereign named, and who were the Archbishop Don Diego Dieza, Don Juan Rodriguez de Fonseca, Bishop of Burgos, and the Minister-Commander Lopé de Conchillos. Las

Casas accordingly departed as soon as possible for Seville. He did not know that Fonseca and Conchillos had considerable interests in the Indies and that they would endeavor to fight him by appearing to second his efforts. The great personages to whom he paid visits did not show their uneasiness; they protested their devotion to his cause so patently just, and promised to aid him in bringing it to triumph. Happy at being able to count on the approval and co-operation of so many powerful allies, he was about to rejoin the Court when he learned that Ferdinand had died at Madrigaléjos on the twenty-third of January, 1516.

It was now necessary to begin all over again. It was essential to obtain an audience with Ferdinand's successor, Charles V, and beg of him the favor with which the dead King had honored him. But the new monarch was then in Flanders; and when Don Bartolomé explained his project to Cardinal Ximinez de Cisneros, Archbishop of Toledo, and Inquisitor General, this prelate dissuaded him, explaining that Charles V, absorbed in difficult diplomatic negotiations, and by the many pressing obligations that made the beginning of a new reign complex, would not listen to his request, or would not pay any attention to it.

After this discussion, they decided to send to America three Hieronymite monks, charged with keeping a strict observance of the law interdicting slavery. Las Casas asked for permission to choose his collaborators, and he designated Bernardino de Manzanedo, Luis de Figueroa, prior of Olmedo, and the prior of St. Isidor of Seville. He took them with him to the Court as soon as it was possible, but upon their arrival there, he discovered the intrigues that had been fostered during his absence. Two of the statesmen whom he believed to be his allies were fighting him; with the Bishop of Burgos and Commander Conchillos another had joined against him, the president of the Council of Orders, Hernando de la Vega. Behind these leaders was organized an influential party which drew rich revenues from the exploitation of the Indians, and they did not intend to let themselves be dispossessed. Tomas Matienzo, who had introduced him to the dead King, possessed no influence with the new monarch.

However, Las Casas still had two protectors, Cardinal Cisneros and Cardinal Adrien. They encouraged him and sustained him, and awarded him the title of Universal Protector of the Indians, giving by this means an official character to the mission he had under-

taken. They advised him to return to America as soon as possible and continue his work of liberation, and finally, to help him with his task, they arranged to have him given from the royal treasury an annual purse of a hundred pesos.

Las Casas embarked the eleventh of November, 1516. With him were the three Hieronymite monks who were to help him, and the licenciate Zuazo, investigating judge, to take charge of enforcing the suppressing of slavery. In December they arrived at the Spanish Isle.

The Spaniards of America had followed with uneasiness the negotiations in which Las Casas was engaged at Court. They had learned of the support which Cisneros and Adrien had given him. Their irritation was extreme when they saw returned in charge of an official mission the simple priest from whom they believed they had nothing to fear. On his own initiative the licenciate Zuazo began his investigation, and the Hieronymites set about to combat slavery.

But what could they do? Against them there was a continuous subtle war, with its special aim to separate the collaborators, discourage them, and then range them against Las Casas. With their first attempts at conversion and liberation, the Hieronymites encountered in-

surmountable obstacles; less accustomed to the violence and hypocrisy of the colonists than Don Bartolomé, they let themselves be caught, unsuspecting, in the web of perfidy and intrigue. Certain administrators overwhelmed them with protestations of friendship in order to combat them at leisure. Those who offered to help them destroyed all their work in secret. The poor Fathers lost courage and despaired of accomplishing their mission. It was easy then to convince them that the only culpable person was Las Casas; it was he, who by his violent measures, had alienated all the governors and royal officers. The monks let themselves be persuaded. When Las Casas asked their support in fighting the governor of Santo Domingo, he was astonished at seeing them hesitant and perplexed, and finally realized that he would get no help from them. They were not long in uniting with his adversaries against him.

Some Indians had come to Santo Domingo and had been held without reason, on the order of the judges, and eventually sold into slavery. At this news all the native population of the region and of the neighboring islands rose in rebellion. Two Dominicans, Juan Garces and Francisco de Cordoba, who were making a preaching tour in the interior of

Cumana, were captured and put to death by the Indians. These murders were made the occasion of a repressive expedition, which, to establish order, and avenge the deaths of the two monks, devastated the entire country of Cumana. The soldiers massacred not only the inhabitants of the village where the two priests were killed, but everybody in that region.

Las Casas protested against these violences and barbaric reprisals. He blamed the natives who had killed the two Dominicans, but these murders did not authorize the Spaniards to annihilate the innocent population of a province. And furthermore the real persons guilty of the death of the monks were the judges, who by their cupidity, had arrested and sold as slaves innocent men. He accused them of having violated the law in this particular, and also of aiding slavery in all circumstances instead of hindering it, according to their duty in regard to His Majesty's laws.

The Hieronymites sided with the judges. The conquerors, during this time, urged the Spanish population to support their officers; soon Las Casas found himself entirely alone, facing a hostile crowd ready to kill him. He had to quit the city in utmost hurry and take refuge in a monastery. The defection of his collaborators was the bitterest disillusion.

These men he had believed faithful to him; they had gone over to the other side, that of the encomenderos. He would have to have the help of other monks if he were to bring his enterprise to success. Again he found it necessary to go to Spain, to see the King, to break the resistances of the Court. And he was going also to defend himself, for the Hieronymites, thrust on by the judges, accused him of being the principal author of all the trouble, and were sending Father Bernardino de Manzanedo to carry their complaints to the Council of the Indies.

VI

Victory in Spain

When Las Casas wished to leave the Island to go to defend himself in Madrid, the Spaniards of Santo Domingo did everything in their power to hinder his departure. However, he embarked finally in May. It was only six months since his arrival.

He was received at Ananda de Duero by Cardinal Ximinez, who advised him to keep away from the Court and put his enemies off his track, and not arouse them. The King was soon to come to Valladolid; it would be better to remain hidden and await the arrival of the monarch. Las Casas followed this prudent advice, and a short while afterwards, when the Court was transferred to Valladolid as the Cardinal had announced, he asked for and obtained an audience with the King. On the day fixed upon, Don Bartolomé presented himself at the palace; he found the monarch in the company of his Chancellor, the Ministers and members of the Royal Council of the Indies.

The Chancellor, Juan de Selvagio, was an intelligent man whose good counsel had a very salutary effect on the mind of the King. Won by the arguments of Las Casas, he decided to aid him, and supported him henceforth against the efforts of Conchillos, Fonseca and Hernando de la Vega. All the courtiers and governors who would be injured by the abolition of slavery had charged these to defend their interests. In his turn Father Bernardino de Manzanedo related the troubles of the Hieronymites and the unanimous claims of the Spaniards of Santo Domingo. Las Casas had to undertake in his own defense a long and wearying narration of the happenings at Cumana, the treason of the judges, the defection of the monks. Then he explained the necessity for stopping the destruction of the natives, and to this end he proposed sending to the Indies groups of Spanish laborers and peasants. He explained that since the military phase of the Conquest had been achieved, it was now necessary to adopt other measures, and to colonize and civilize the country economically. The necessities of defence did not warrant military display and repressive measures on the part of the Spaniards, but on the contrary, a peaceful utilization of the resources of the New World. This project was

received with violent objections on the part of the Councillors. Las Casas was crazy if he hoped to civilize the Indians with laborers! Conchillos, Grand Counsel of the Indies, who by means of his office pretended to be better informed and more competent than anyone in the administration of American affairs, maintained that the Indians were barbarians and incapable of progress, and that the only means of subduing them was by force of arms. Fonseca and Hernando de la Vega supported him by acclaim and Father de Manzanedo confirmed at all points his contentions. Las Casas felt himself beaten, when his new ally intervened. The Chancellor declared that he found the proposition of the priest perfectly acceptable, and that he himself was a partisan of a pacific policy. The dispute then began between Juan de Selvagio and Conchillos, who fought with lively obstinacy. No one thought further of Las Casas. The debate was narrowed to the Chancellor and the Grand Counsel. One might have foreseen the winner!

It was the Chancellor, and Conchillos in rage and spite resigned there and then. The King accepted his resignation with easy grace and appointed in his place Francisco de los Cobos, in whom Las Casas was to find a friend and protector.

Having won the approval of the King, he had next to obtain the ratification of the Council of the Indies and to put his project into execution. Meanwhile he took as an assistant a certain Berrio, to whom he gave the title of royal captain, and whom he charged to recruit the peasants who would constitute his colony of laborers. He installed himself in Seville and commenced a campaign of propaganda among the Andalusian farmers. He encountered, at the outset, a great response, and was able to gather together a goodly number of emigrants, but shortly he began to realize mistrust; he felt a surreptitious and stubborn resistance which created a barrier to his propositions. No one dared to oppose him openly, for he was acting under royal favor, but his plans were blocked by obstacles, and traps were set in his way. This campaign of calumnies and irritations increased rapidly to the point of making his efforts useless, and the Bishop of Burgos who directed the opposition could presently announce to the enemies of Las Casas that he would never achieve success in his projects.

There were two parties, however, at the Court of that time. One, favorable to the ideas of Don Bartolomé, wished to replace the military program of the captains with the peaceful

policy of priests and farmers, and insisted, in the King's presence, on obtaining real, and not merely theoretical, suppression of slavery. This party possessed considerable influence; at the instance of his protectors Las Casas received the title of Chaplain to the King, while Rodrigue de Figueroa was sent to America with the mission of returning to liberty the enslaved Indians.

The distinction with which Las Casas had been honored irritated the pro-slavery party, but they dreaded still more the departure of Figueroa. The governor, Miguel de Pasamonte, menaced with the discovery by the new envoy of the malpractises of which he was guilty, intrigued to obtain the recall of the inspector and the abrogation of the troublesome ordinances.

The project of the agricultural colony presented by Las Casas was meanwhile rejected by the Council of the Indies as impossible to realize. Was it not too late, they maintained, to apply new methods? Would the Indians who had learned to mistrust the Spaniards submit to this new policy? Was not Las Casas deluding himself about the docility and good-nature of the Indians, who, delivered from all fear, might avenge themselves on their oppressors, and so much the more cruelly when

they found them disarmed? Don Bartolomé asked that a hundred leagues of coastland be conceded to him, where no armed man would be permitted to encroach; monks and peasants only being allowed to settle there. This disarmed community would offer, would it not, to the hatred and bitterness of the natives the occasion to satiate their desire for vengeance?

It is difficult for us to appreciate today whether the Council was acting prudently in mistrusting the Indians, or whether, obeying prejudices enlarged by the conquerors, it was mistaken in their character. It is possible that there was something of exaggeration on the part of the monks in painting them in idyllic colors, as there was on that of the soldiers in making them out to be monsters. Both might have been mistaken, in good faith, and we can believe that if the Indians were not such demons as they were held to be in the popular imagination, they were not as inoffensive as the monks represented them.

Las Casas was not discouraged, and presently offered another project to the ministers. He proposed to enter the province of Cumana with fifty men who would wear a special costume which would prevent the Indians from confusing them with the other Spaniards from whom they had received nothing but maltreat-

ment. This costume, composed of a gown and cloak of white cloth, set off by red crosses, would denote a certain religious character. The wearers would constitute a sort of pacific Order, a society at the same time religious and economic, and the moral and material advantages to be gained from their activities were painstakingly enumerated. Las Casas counted on converting, in two years, ten thousand Indians, and from the third year on paying an annual tribute of fifteen thousand ducats, which would be increased proportionately to attain in the tenth year the figure of sixty thousand ducats.

We should not smile too readily at these mercenary calculations joined to the hope of spiritual conquest. Las Casas thought that it would be wise to offer to the King and Court a tribute of which the imposing figure would show distinctly the number of expected conversions, and to interest by certain profit those who considered the conditions of this new colonization too chimerical.

He proposed further to found three armed colonies, each with a fortress, to establish fifty families of Spaniards among the Indians. He stipulated only that the Governor of the mainland, Pedro Arias de Avila, should not be allowed to intervene in any way to embarrass

the activities of the workers, and that he be forced to permit the peaceful colony to govern itself as it pleased, without governor and without soldiers. He asked that twelve Dominicans and twelve Franciscans be associated with him, and that the Indians who had been taken from this region be returned to form the native nucleus of the settlement.

In this way he forestalled in advance the encroachments that the conquerors would not fail to attempt against the new colony, and prohibited access to his colony by any military expedition, since he counted on the collaboration of the Indians and their conversion to repair the evils caused by the Spaniards, and expected this pacific occupation to be extended gradually throughout the New World. He wished to make successful a method of colonization regular and prudent which would replace the ugly devastations by which the conquerors had impoverished the country.

To the ministers more interested in immediate realizations than in those of an apostolate, Las Casas proved finally that gold could be obtained from the rivers, and great profits could be made. These should be apportioned among the Royal Treasury, the Governors, and the *Audiencia.* He and his fifty companions would only receive a twelfth part of the gold

found. By way of compensation each of them would be made a chevalier of the Golden Spur, and he would receive the right to proceed alone in recruiting the order thus ennobled, and of replacing any members lost. It was stipulated emphatically that no Indian was to be sold, given away, or kept in duress.

This project resembles in certain ways that which the Jesuits realized in their colonization of Paraguay. They used good will and moral prestige to attract the Indians and at the same time founded villages which became Spanish cities and of which the prosperity became assured through exploitation of gold.

The ministers ended by accepting this proposition after long deliberations and with modification of details. The project then went to the King who submitted it to the Council of the Indies. But the members of the Council were all more or less interested in seeing that no change was introduced in the administration of America. They could not however avow their hostility and fight the project of the Protector openly, so they contented themselves with bringing to its examination unaccustomed slowness, hesitations which forced debate a hundred times on insignificant points. They hoped by this means to extinguish the ardor of Las Casas and tire out his obstinacy.

But he did not let himself be discouraged or intimidated and, menaced by this administrative chicanery, he attacked the Council. He showed that their ill will arose from the loss the members would sustain if a just government were to replace their corrupt governors and their encomenderos, butchers of the Indians. He accused the Bishop of Burgos of protecting with all his influence this Miguel de Pasamonte who had massacred the inhabitants of Cuba and defrauded the Royal Treasury by retaining part of the gold he had extorted from the Indians. When Pasamonte had arrived in the Spanish Isle in 1508 there were fifty thousand Indians; there remained only fourteen thousand when the Distributer Albuquerque took possession of the Island, and even these had since been sold, for Albuquerque's avarice was insatiable. Meeting the protestations of Las Casas, who openly accused the Council and asked that his proposals be submitted to impartial judges, the King named a special commission to examine them.

It was composed of Don Alonso Tellez, brother of the Marqués de Villena, Don Juan Manuel, Marqués de Aguilar, the licenciate Vargas, who had been Treasurer-General, Cardinal Adrien, Inquisitor General, and all the Flemings of the Council. To sound out this

committee, the enemies of Las Casas gossiped among all its members, but especially with the Chancellor, to prejudice their opinions. The ideas of Las Casas, they said magnanimously, were very fine, but absolutely impractical and condemned to failure. They presented the Protector as a dreamer, a man of imagination who believed sincerely that the Indians were better than they really were, but whose Utopias would lead to certain defeat.

They knew moreover that the Flemish ministers were favorable to Las Casas and dreaded their influence. An unknown ally joined them, Mota, Bishop of Badajoz. The friends of Las Casas finally were able to have him explain again his project before the King and Council.

On the day fixed for this audience, Don Bartolomé was dining at the home of his friend Mota when Fray Juan Quevedo, Bishop of Darien, arrived, having come, on his own initiative, to complain of the governors to the authorities in Spain. Las Casas did not like the Bishop, whom he reproached with having been too mild, and with having tolerated evil too long. Their meeting was stormy, and Mota had to intervene and remind them that they were both pursuing the same end and that they would be wiser if they united against their common enemy. Reconciled, they went to the

palace together, accompanied by Diego Columbus, Admiral of the Indies, and Juan de Zuniga. With them also was a Franciscan religious newly arrived from Santo Domingo who had preached in Spanish churches against slavery and against the cupidity of the conquerors.

The King received them in the presence of Señor de Gebres and the Grand Chancellor. The Bishop of Darien spoke first, and presented his complaints. He sketched briefly a picture of the situation in America, made a brief allusion to the sufferings of the Indians, insisted on the merits of the conquerors, their bravery, the dangers and fatigue they had valiantly supported for the glory of God and the prosperity of the Kingdom. He denounced the misdeeds of the governors, emphasizing less however their cruelties to the Indians than the faults of which they were guilty in regard to Spain. In his opinion the Indians were a barbaric people, slaves by nature, and very secretive of their gold, which one got from them with great difficulty. They would never be adaptable to civilization, and so it would be better to leave them in their present condition of servitude. But the governors should not be permitted to exploit them for their private

profit, keeping for themselves the wealth that should be sent to the Royal Treasury.

It was a clever discourse which did not demand the impossible and treated tactfully the prevailing prejudices. Las Casas was contemptuous of cleverness and thought of nothing but justice. Invited to speak, he defended the Indians against the reproaches of Quevedo, and pleaded with the King to protect them from intolerable iniquities. The King had too long been deceived about the situation in the Indies, and it was essential for him to know that the Spaniards were acting as executioners and that their domination was corrupt, tyrannical, and contrary to all principles of decency. The Indians were not savages, they had their own chiefs whom they obeyed and who kept order in their dominions, there were well built and well administered cities. They had no need of the Spaniards, and in certain ways they were better than the Castilians. The desire to convert them was entirely praiseworthy, but to commence their evangelization by reducing them to slavery was to forget that Christianity had abolished the slavery under which the people of antiquity had languished. He did not know how to accept within the Church a situation in

which the faithful were treated like cattle by people who called themselves their brothers in Christ and who were exploited and maltreated and even killed with impunity. Las Casas outlined the atrocities of the Conquest, adding that if the King wished further testimony concerning the facts he had reported, he could question the Franciscan who accompanied them and who was familiar with the situation in its more recent aspects.

The monk, then questioned, gave a very moving account of the crimes that were desolating the New World, and begged the King, "by the blood of Jesus Christ and the wounds of Saint Francis," to put an end to them as soon as he possibly could. If he delayed, let him beware lest the blood of innocent victims cry out to God, and He let fall on the entire Kingdom the austere might of His wrath.

The Admiral, Diego Columbus, had listened to these speeches with growing uneasiness. He was not one of those who had made a fortune out of the Indies, but he could consider himself as an accomplice, in a certain measure, in the mistakes of which the conquerors were accused. He had a strict conscience, a high sense of justice, and when the King questioned him, he made no attempt to defend the governors and captains. Loyally, he recognized

that the accusations of Don Bartolomé and the Franciscan were true, and he joined them in asking the King to intervene. In spite of the injury these measures would cause him, for he himself was a slave-owner and possessed little else, and although he would be ruined by them, he too appealed for laws to protect the Indians from the rapacity of their conquerors.

VII

Checkmate

When the King left Barcelona after this audience to be present at the assembly of the Cortes at La Coruña, Las Casas, who did not want to be separated from him before obtaining his desires, followed him. Finally it was decided to give over to him the coastal region from Santa Marta to Parias, a matter of two hundred and sixty leagues, and permit him to attempt his experimental project there. Fortified with his commission, which was signed the nineteenth of May, 1520, he returned to Seville to collect without delay the colonists, ships, and money he needed. In good time he was able to set sail. It was the fourth time he had left Spain for America. This time he was serenely happy. At last he would be able to work out his great projects.

For all his hurry a cross awaited him. When he arrived at San Juan de Porto Rico, he found conditions most unfavorable for the establishment of his colony. The Indians of the province of Cumana were at the point of

rebellion, as the result of an expedition in the course of which Alfonso de Ojeda, under the pretext of seeking for pearls at the Island of Cubagua, had impressed in his fleet a great number of natives, among them two caciques, whom he had just sold in the neighboring islands. The first news that Las Casas received upon landing was that the Indians in mutiny had killed eighty Spaniards, burned the monastery of Santa Fé, broken the bells and a great crucifix greatly venerated, mutilated all the images and cut down the orange trees and other fruit trees imported from Castile. And to his great sorrow the baptised Indians had shown no recognition of their benefactors, and had acted exactly as the heathens had.

And now repressive measures would be taken, striking the innocent and the guilty without distinction. A flotilla arrived commanded by Gonzalez de Ocampo. This captain had received from the authorities of Santo Domingo the mandate to re-establish order in the rebellious province, and to inflict a severe punishment on the natives. Again violence in reply to violence. Blood to avenge blood. Las Casas tried every means to dissuade the captain: these lands where he was to make war belonged to him, had been given to him by the King; he showed

him the powers granted to him forbidding soldiers to penetrate his territory. Ocampo, who was at that time on good terms with the Protector, invoked the instructions he had received from the *Audiencia*[1] of Santo Domingo and the Admiral; he regretted carrying them out against the opposition of Las Casas, but he could not recognize the royal letters because of the explicit orders he had to fulfill.

Las Casas knew that the expedition of Ocampo would have frightful consequences, and would make the establishment of his colony impossible; a single chance remained to him, to present his commission to the Audiencia and demand the return of the expedition. In great haste he chartered a boat for which he paid five hundred pesos, and departed for Santo Domingo. He left at San Juan his laborers and monks, who were quartered during his absence among the Spaniards of the city.

As soon as he landed, he communicated the powers he had received from the King to the Admiral and the Council, which was composed of the judges of appeal and the royal officers. At the same time he had the prohibition of access to his territory cried in the streets with a flourish of trumpets. And as a measure of

[1] The colonial court or council of authority.

greatest urgency he demanded the recall of Gonzalez de Ocampo. Alas, it was already too late. As soon as they had landed at Maracapana the soldiers had betrayed the Indians who had approached them without mistrust. They had enticed them by offering them bread and wine, and when the wretches came close they had surrounded them, seized a great number, and hanged or impaled them. The cacique was put to death, and the survivors, crowded in boats, were sent off to be sold as slaves. Meanwhile the *Consulta* discussed matters, and the debate prolonged itself several days without reaching any effective result. Finally, when Las Casas, burning with impatience, wished to depart he was advised that his vessel was not seaworthy, and that it needed extensive repairs.

It was not until June, 1521, that Don Bartolomé was able to quit Santo Domingo for San Juan, Porto Rico, where he expected to meet his colonists again. These, however, had not waited for him. They had separated on the chances of work offered to them, and it was with great difficulty that he collected some of them, less satisfied than others with the sort of employment they were able to get, or who were more sincerely attached to the enterprise under the command of the Protector.

At Toledo, a town founded by Ocampo, discontent reigned among the Spaniards. There was great hunger. Was it necessary then to support the Gospel? When the population, already irritated, learned of the arrival of Las Casas and the mission of which he was in charge, they left the city to establish themselves in Santo Domingo. Seeing this, many of the men accompanying Las Casas grew afraid, and abandoned him also. As for Gonzalez de Ocampo, who was instructed to escort him with a small force, he deplored the isolation in which Las Casas would find himself, and was tactful in finding words of reassurance, but in his turn abandoned him. Only a few friends and a few laborers remained with him. The founding of the peaceful colony was made under untoward auspices.

Within a cross-bow's range of the sea, near the Cumana river, there was a Franciscan monastery with a garden and an orchard. The monks had acclimated there trees and plants from Spain, and this garden, well-watered and carefully kept, was celebrated for the beauty of its flowers and fruits. Las Casas resolved to establish his colony in this fertile section of the country. Not far from the monastery he had a large house built as a shelter for his companions and the provisions he had brought

with him, and as soon as possible he became acquainted with the Indians. This was easily made possible by the help of the monks who knew the language and customs of the country somewhat, and by an Indian woman called Doña Maria, who lived near them and who spoke Spanish rather well. He undertook the construction of a fortress at the mouth of the river. The Indians seemed to be favorably disposed, docile and submissive; they listened willingly to the Christian preaching, and they worked willingly under the direction of the Brothers.

With the Spaniards he was less fortunate. They began by enticing away the masons he employed in building the fortress, and these walked out with it unfinished, putting the infant colony in danger. The Spaniards endured with ill grace the obstacles the Protector put in the way of trade with the Indians. He had confirmed that wine played havoc with the Indians. Not used to drinking, they were easily made drunk, and excessive drinking did great harm to this already weak and debilitated race. He wished therefore to forbid the Spaniards of Cubagua to sell the Indians living in the region administered by him, the wine for which they paid very dearly in pieces of gold, a business

that was very profitable. He tried to persuade the *Alcalde Major*[1] to forbid these men to traffic with the Indians, but without result. The measures taken were insufficient and the Spaniards cared little for the orders given to them and which the governors were the first to violate. Moreover a surreptitious hostility united against the man who wished to repair injustices to all classes of the population.

Again it became necessary to consult the higher authority, the Audiencia of Santo Domingo. Las Casas departed, accordingly, leaving the command of the colony in the hands of Francisco de Soto, and as well the two vessels which were to be used in case of need to protect the colonists from any attack of the Indians, and transport them to the island of Cubagua if the defense of the colony proved impossible. Francisco de Soto promised that the vessels should not leave port unless it were necessary, but as soon as Las Casas was gone, he commanded the officers of these boats to spread sail and go to seek pearls, gold, and slaves in the neighboring islands.

The repressive campaign of Ocampo had terrified the Indians, but had only increased their desire for revenge. Fifteen days after the departure of Las Casas, an abnormal ex-

[1] Mayor, or chief justice.

citement reigned in the Indian villages. Doña Maria discovered in these suspect preparations a menace of war; she informed the Spaniards and urged them to depart. It was with such an insurrection as this in mind that she had urged Las Casas to forbid the vessels leaving port. Unfortunately they were out along the coast where they had been sent by the imprudence of Francisco de Soto. The Spaniards could not leave Toledo. They saw themselves surrounded by enemies, every means of flight closed. One night the Indians attacked the monastery. The friars found a canoe in which they escaped hurriedly. A single one was left behind, Fray Dionisio, who hid himself in the reeds, wandered for three days, was captured by the Indians and killed. Francisco de Soto succeeded in escaping, but he was wounded by a poisoned arrow, and died a few days later after frightful suffering.

The Indians destroyed the house of Las Casas, the monastery, and the garden. Encouraged by this success, they threatened to attack the island of Cubagua. The Spaniards living there fled in haste although they were well provided with arms and munitions, and took refuge in Santo Domingo.

While these events were taking place in Toledo, the vessel that carried Las Casas was

swept by an error of the pilot into a current that carried it very far out of its course and against which they had to struggle for more than two months. It so happened that the two ships were also carried off their course, and took weeks on a voyage usually made in a few days.

Las Casas, impatient to arrive in Santo Domingo, landed, preferring to make the journey by land rather than struggle longer against the current. He was en route only a short distance with his companions when he met some Castilians who told him the news, the destruction of Toledo. They told him, as it was then believed, that Las Casas had been killed with all the other colonists. He pushed on in haste to Santo Domingo, and upon his arrival there the first words spoken confirmed the annihilation of his colony. All his hopes were destroyed.

These recent acts of savagery showed him how difficult was the peaceful penetration that he had thought possible and had advocated. He had struggled alone against evil forces; he was beaten; could not the chain of injustice engendering injustice be broken? Great discouragement enshrouded him. He had broken the resistance of the Court, but the hostility of the Spaniards and the disobedience of his

lieutenant had brought to ruin the colony in which he had put all his hopes. The Spaniards were not long in avenging the destruction of Toledo. Jacome de Castellon, whom the Admiral put in charge to punish the Indians, burned villages, killed the inhabitants, and finished the fortress that Las Casas had wanted to build at the river's edge, and which the meddling of the inhabitants of Cubagua had interrupted. If the masons had not abandoned it, the colonists under cover of its walls might have resisted the attack of the Indians and awaited aid. On the site of Toledo Jacome de Castellon founded a town that he called Nueva Cadiz, and which shortly became very wealthy from pearl fishing.

VIII

Las Casas, Dominican

Las Casas asked hospitality of the Dominicans. Their Prior, Fray Domingo de Betanzos, urged the Protector to become a member of the Order. Touched by the good-will the Fathers bore him, surrounded by them with affection and solicitude, discovering the need of tempering his activity in a life of prayer and study, feeling also perhaps that he had hoped too much up until then in a temporal realization of the justice of Christ, Las Casas yielded to their brotherly invitation. Herrera tells us that he became a member in 1521, but it is more likely that it was in 1523, as the Dominican, Remesal, affirms. Henceforth it was not a question of founding colonies, nor an Order of the Golden Spur, but simply the preaching of the word of God, and reclaiming men to the obedience of the Gospel.

The Dominicans had arrived in America in 1510. Fray Domingo de Mendoza had taken the initiative in sending monks of his order,

among them Fray Pedro de Cordoba, who was a man of noble family, intelligent, and sensible, Fray Antonio Montesinos, the preacher whose words had brought light to the mind of Las Casas, and Fray Bernardo de Santo Domingo, whom Herrera describes as "a man with little experience in the things of this world, but very pious and learned." These Fathers, having obtained the permission of the Master General of the Order and of the King, set out under the leadership of Pedro de Cordoba, who was then twenty-eight years old. When they arrived at Santo Domingo a pious man named Pedro de Lumbreras offered them a well-built stone house—a rare thing in the colony—and took care of their material needs. These were very few due to their severe discipline, and also due to the scarcity of the resources of the district. These consisted chiefly of cassava flour to which the good Lumbreras added, when he could, eggs and fish. They drank no wine, since it was difficult to obtain, and even when obtainable, the shipments from Spain were so meagre that the Fathers could not obtain enough for religious ceremonies.

They lived in great austerity, sleeping on planks or dry straw, fasting seven months [1] a

[1] Partial fasting, limited to the strictest necessities of diet.

year, and mortifying by privations their bodies already worn by the fatigues of their offices and of preaching.

Fray Domingo de Mendoza came himself to America and made the rules still more strict. The monks in good health were not allowed to beg for themselves, they could only ask for bread, wine or oil for the sick. Their garments of thin coarse wool did not protect them in the cold weather, but they maintained this simplicity of dress which contrasted with the rich display of the other whites, paid for in most cases by the gold extorted from the Indians or mined at the price of so much suffering and death.

The conquerors looked with no kindness upon these men who tried to reform their way of life. But persecution had never reached such a degree of cloaked hatred and violence as that meted out to Las Casas. However, he was not a Dominican to be spared. Menaced on the one hand by the Indians who could not dissociate them from the conquerors, and on the other by the conquerors themselves who did not combat them openly but matched their apostolate with a war of calumnies and irritations cloaked by false devotion, the American monks were forced to brave all dangers, endure all the fatigues of the soldiers with

in addition two enemies to conquer, the ignorant heathen, and their own countrymen.

The sermons of Montesinos, as we have said, irritated the Spaniards, and one of his sermons especially, perhaps the one that showed Las Casas his true vocation, created a violent scandal. Montesinos had taken the royal officers to task in such a valiant way that as soon as they left the church they had hastened to the Admiral to complain. They demanded that Montesinos be punished as an example, and above all that he be recalled to Spain. The Admiral, not having the power to punish a religious himself, sent for Pedro de Cordoba, and asked him to reprimand the too zealous preacher. The Father refused, adding that all the brothers were like-minded. A violent wrangle ensued between the monks and the soldiers. The civil population took the side of the officers, and demanded the recall of the monks who were inciting disorder in the country, and stirring the Indians to rebellion. After many insults and threats calm was restored. A compromise was accepted by the civil authorities and the prior of the Dominicans. It was decided that the incident would be forgotten on the condition that Montesinos, preaching the following Sunday, would moderate his attack and retract to a certain extent the words which

had so thoroughly angered the officers. The monks had accepted this arrangement in order not to present to the Indians a spectacle of discord, and Montesinos when consulted agreed to be less violent in the future. But he was too convinced of the sanctity of his mission to think better of a sermon which his conscience had dictated. When he came into the pulpit, the church was full of officers who had crowded in to witness the defeat of their enemy. They were already triumphant, but Montesinos, forgetting the concluded agreement, and carried away by his righteous wrath, renewed his accusations with force. This new incident decided the conquerors on stricter measures. Since the governor was incapable of making them respect him and reducing to silence the audacity of the preachers, they complained directly to the King, who would know how to shut them up. They felt assured of powerful allies. Pasamonte, who put himself at the head of the malcontents and who had influential friends at Court, especially the commander Lopé de Conchillos, sent to Spain the Franciscan, Fray Alonso de Espinar, whom Herrera judged to be "very religious but ignorant" and who was charged with bringing the complaints of the Spaniards to the King's attention. But Montesinos too

went to Spain to defend the Dominicans against the calumnies that would be used to crush them.

One may readily see that Las Casas was not the only one to suffer from the hatreds that cupidity opposed to Christian spirit. One hears, unfortunately, echoes of these quarrels even in the churches. Certain priests, through self-interest or ignorance, became the instruments of the governors and slave-holders. Miguel de Pasamonte combated the preaching of the Dominicans by opposing them with a priest, Don Carlos de Aragon, who mocked their detractors and replied ironically, when the monks invoked the authority of Saint Thomas: "Let us pardon Saint Thomas, who, in this, did not know what he was saying...." Protected by Pasamonte he preached freely while the Dominicans were forbidden to reply. But when, proud of his success in America, he spoke, on his return to Spain, in the same vein, he was apprehended by the Holy Office in the Cathedral of Burgos. Constrained to retract twenty-five of his propositions which were recognized as false, Carlos de Aragon saw himself deprived forever of the right to preach.

Bartolomé de Las Casas found then, upon entering the Order of Saint Dominic, brothers

who shared all his ideas on the conduct the Spaniards ought to follow in their relations with the Indians, and who had been consecrated in this generous apostolate as long as he had been, and longer. He found also in the Order friends and helpers, and the aid of a powerful brotherhood. The King recognizing the good which they had done by colonization, had granted them important advantages. In 1518 he commanded his officers to transport free of charge six Dominicans a year. In 1524, he granted them in the city of Santiago de la Fernandina a house belonging to the Treasury for the establishment of a monastery and seminary. He subsidized the hospitals founded by them in Jamaica, Santo Domingo, and Panama. When he ordered the liberty of the Indians in 1526, he put the Dominicans in charge of executing his orders because he was convinced of their disinterestedness and their religious activity. The following year he sent forty monks to Mexico, of which Fray Juan de Zumarraga was then bishop, and he commanded that soldiers be put at their disposition and money to build their churches, their schools, and their monasteries.

Las Casas used the time spent with Father Domingo de Betanzos in Santo Domingo profitably in writing his treatise *De Unico Voca-*

tionis Modo in which he explained his conviction that constraint would not gain the heart of the unconverted, and that all attempts to impose on the Indians the authority of the Church by force was contrary to the spirit of the Gospel. Soon a new mission called him to a more active life. Don Diego Alvarez de Osorio, Bishop of Nicaragua, recognizing his value, asked the prior of Santo Domingo to delegate him to help him in the conversion of the Indians. Fray Bartolomé upon his arrival in Nicaragua set about founding a Dominican monastery, and to extend to this province the protection of the natives. Afterwards he went to Guatemala and into the territory of Vera Paz where he baptized the Indians, settled their quarrels, obtained from the Spaniards promises to treat the Indians humanely, and from the caciques promises that they would not revolt against the conquerors. Thanks to him whole villages were converted and recognized the King of Spain as their sovereign.

In this way he proved that the Indians, far from being the barbaric savages that the Spaniards said they were, were peaceful, and were not monsters of cruelty to the newcomers whom they regarded as supernatural beings and whom they received with joy and admiration: it was only because the Spaniards treated

them abominably, killing and torturing under the pretext of forcing them to become Christians, in reality to exploit them and rob them of their wealth. Guatemala, which was inhabited by a hostile population at the time, submitted as soon as the Indians were confronted with unarmed men. All the country immediately pacified received them as liberators and abandoned themselves to their authority. Moreover the Indians had never attacked the Spaniards without first having been provoked by their cruelty and treachery. When the cacique Enrique of Santo Domingo made war upon the conquerors, it was after long submission to intolerable vexations, and he laid down his arms when Las Casas interceded and begged him to make peace with his adversaries. In 1533 the Dominican followed up this preliminary success in baptizing Enrique's subjects. But this annoyed the conquerors, who were furious at his intervention in their relation with the Indians, and they denounced him to the members of the Audiencia. These recalled Las Casas and reproached him for his awkward habit of mixing in affairs that did not concern him. The governor suggested that he knew the best policy to adopt in dealing with the caciques and that he had no need of a preacher's intervention to obtain the submis-

sion of the Indians. No one had commissioned him with these matters, and for the future he was to desist and attend to his own business without encroaching upon the functions of the government. Las Casas replied very simply that he had no need of a commission from them to preach the Word of God and help bring about peace among men, and that he would continue to do as he had in the past whether or not it was to the liking of the authorities of Santo Domingo.

Wherever the exactions of the commanders and the tyranny of the captains made the Indians suffer he appeared, recommending mercy and moderation. He was continually travelling. In Peru, where the Indians had been reduced to slavery in defiance of royal order; shortly in Mexico, then Santo Domingo; and when in 1536 the Governor of Nicaragua, Rodrigo de Contreras, was disposed to undertake an expedition with a good-sized army, Las Casas preached against the conquest, stirring the consciences of the soldiers so completely that they were of no mind to follow their captains. Contreras, angered at being blocked by the sermons of the Father, accused him of inciting his army to mutiny and of sowing in the minds of his soldiers doubts as to the legitimacy of the enterprise. Not content

to watch over the health of their souls he set himself up to judge also their military duties! It was the act of a seditious person, an enemy of the King, it was rebellion against the sovereign's representatives, a crime of high treason. Don Diego de Osorio intervened, trying to reconcile the priest and the captain. But Las Casas declined to stop preaching against an unjust war, and Contreras would not hear of his men of arms being transformed into frightened bigots when he had need of resolute fighters for his expedition. Bishop Osorio died without having achieved his peaceful intention, and Contreras set out with only fifty soldiers. His expedition collapsed at the start and he had to return in failure.

But he complained so loudly that Madrid heard of the matter. The enemies of Las Casas utilized these complaints against the monk; he presently had to go to Spain to defend himself.

It was not difficult for him, for the King and the Council of the Indies appreciated his efforts for the Indians, and took measures toward their freedom. From the time when the order was given to Cortés to set free the Indians of Mexico whom he had enslaved—an order which he did not heed—the Spanish government, worthy of being called Catholic, had set about to put a stop to the crimes against

the Indians. In 1526 the prelates and priors of the religious Orders had received the power of freeing the Indian slaves and rescuing those who were maltreated. Two years afterwards the Bishop of Santo Domingo, Don Sebastien Ramirez, was put in charge of their emancipation. The monks, anxious to obtain, not merely inoperative laws, but a real and useful protection for the Indians, demanded complete abolition of slavery and of all the forms of servitude that tended towards it, such as the encomienda and the naborias.

They obtained it in 1529 to the great alarm of the conquerors, this time menaced with really losing the profits they drew from the Indians. But while the efforts of the monks, armed with royal orders, tended to make the rights of the Indians to liberty respected, the cupidity of the colonists worked against their attempts, and the instructions from Spain were largely disregarded. The complicity of the governors, themselves slave-owners, encouraged the others and saved them from the prescribed penalties. There was no province where the ordinances had their full effect. As in Nicaragua and Guatemala, for example, where the laws were openly evaded, friends at Court obtained measures which weakened enforcement. Antonio de Mendoza, named

Viceroy of New Spain in 1535, was authorized, by exception, to establish commanderies, but this exception was generalized and the *Adelantado*[1] of Santa Marta, Don Pedro Fernandez de Lugo, received the same privilege, which he used largely to his own profit and to that of his staff.

Again Las Casas denounced to the King the abuses of which his officers were guilty, and the real slavery which was hidden in the encomienda and the naboria; he obtained from the sovereign an inspector sent to take charge of securing the Indians' liberty. This mission was given to Pedro Anzures de Camporredondo, who left with Las Casas for America in 1537. Meanwhile, Father Bernardin de Minaya, prior of the Dominicans of the Spanish Isle, had gone to Rome to acquaint the Pope with the crimes that were being committed under cover of the conversion of the natives. He had written often to complain of these excesses, but there were at the Vatican, as at the Court of Spain, men who took care that information of a too truthful nature did not get past them. Bernardin de Minaya, seeing that his complaints were unheeded and unacknowledged, decided to see the Holy Father and inform him of American affairs.

[1] Commissioner.

He was received by Pope Paul III, who, learning how he had been abused by the falsified reports of the conquerors, promulgated several bulls relative to the Indies. He expressly condemned the men who had enslaved the Indians, and in one of his pronouncements especially, that of June 9, 1537, he styled as "ministers of the devil" those who used constraint and violence toward people he desired to convert to the Catholic faith, not by menace and fear, but by excellent example and ways of peace.

IX

The "Destruction of the Indies"

Upon his return to America Las Casas found a temporary collaborator in the Viceroy of Mexico, Mendoza, who was an honest and good-hearted man. Later on Mendoza allowed himself to be led into the usual expeditions against the Indians, but in the first years of his government, he listened to the counsel of Las Casas and followed a policy of mildness and justice in regard to his native subjects. On the suggestion of Fray Bartolomé he sent, in 1539, the commissioner-general of the Franciscans, Fray Marcos de Niza, on a pacific exploratory expedition. Unfortunately this expedition clashed against the bad will of the governors and the opposition of the slave-holders, and failed. At this same time the expeditions of Pedro de Alvarado, followed by war and devastation, counteracted the efforts that the Protector, the Franciscan and Fray Rodrigo de Andrada were making to convert the Indians. The courtiers about the viceroy

were engaged in slandering Las Casas and in urging Mendoza to let this absurd fool go his own way alone on his idiotic adventures. Mendoza began to doubt the worth of the ideas and policies defended by Las Casas and threatened to withdraw his support.

Fray Bartolomé understood that his work would be reduced to nothing if he did not recapture royal favor, and by that means, the co-operation of Mendoza. He felt it necessary to return to Spain once more, to begin anew his struggle against the Court and the friends of the conquerors, to make the King understand and to induce him to stop the expedition of Alvarado; he also hoped to persuade the monarch to send out a large number of monks to carry on the work of converting the Indians.

When he arrived in 1539, he discovered that Charles V was away from his kingdom engaged in war and in difficult negotiations. He would be little interested in American affairs. Las Casas decided to wait for his return. It was not until three years later that he was able to obtain an audience with His Majesty. Nevertheless this time was not entirely lost. Fray Bartolomé used it to his profit in writing various treatises which he wished to present to the King, and which contained the essentials of his doctrine. He wrote "An Abridged

Account of the Destruction of the Indies" which summarized the vast collection of data he had gathered on the devastations of the conquerors, a treatise on the treasures and precious objects found in the tombs, a study of the best means of spreading the Gospel among the heathen, and, finally, a paper against slavery. The juridical point of view of the Conquest was examined in two treatises, one on the manner of governing the natives that ought to be adopted by the Kings of Spain,—that of respecting their own rulers and the suitable native institutions—and the other explaining the means by which they could make these acceptable and develop them.

The King could realize by examining these writings that Las Casas was not merely obeying the impulsions of his own good nature, but that he also rooted his doctrine in definite knowledge and on sure legal principles. He affirmed nothing that he was not immediately able to prove. He was responsible for his facts as eye-witness, or referred them to credible witnesses. The rigor of his mind was only equalled by his great tenderness and generosity of feeling.

In 1542 Charles V heard Las Casas in the Council. The monk described in vehement terms "the destruction of the Indies," stating

that if the sovereign did not establish good order, all this marvellously rich and fertile empire would be laid waste and depopulated by the fury of the conquerors. He told of the massacres and deportations of which the Indians who did not deserve such treatment were victims. "God," he said, "created them simple, lacking in malice and duplicity, very obedient and faithful to their own natural lords and to the Christians whom they serve; they are humble, patient, and calm-tempered. . . . They are of delicate constitution, can not stand up under hard labor, and are easily susceptible to disease. The nobles and princelings brought up in our own country are not more delicate than the sons of laborers are in their country." They were very poor, possessing nothing, and not desirous of possession. They were in this way sheltered from ambition, covetousness, and jealousy. Intelligent, responsive to all good teaching, very receptive to the holy Catholic faith, and endowed with many splendid customs, they would be, he stated, "the best people of the world if only they knew God." The Lord had shown his particular good-will toward the King of Spain in reserving for him the discovery and possession of a domain so vast and so thickly peopled that it was beyond imagination; it seemed that "God had placed

in these lands the largest part of the human family."

What had taken place in this New World confided by God and His Church to the Kings of Castile for government that would increase their spiritual and material prosperity? Among these "gentle sheep" the Spaniards had arrived, fierce as "wolves, tigers and savage lions famished from several days' hunger." What had they done for the good of the Indians? Since their arrival "had they done aught but kill them, torture them, afflict them, destroy them in every way, by every new means of cruelty, such as were not seen or heard of before." What other end had they ever proposed but to take their riches, to covet gold as an end in itself and to aspire to high position out of keeping with their persons? What did one see in this country only lately flourishing? The island of Cuba, "as great as the distance from Valladolid to Rome" was almost completely a waste. The islands of San Juan and Jamaica, which were very large, happy and well-ordered, showed nothing but devastation. In forty years the number of inhabitants had fallen from six hundred thousand to two hundred. In the Lucayes,[1] "of which the least desirable was more fertile and

[1] The Bahamas.

gracious than the garden of the King at Seville, and where there were more than fifty thousand souls" one met now scarcely a living creature. In this region more than thirty islands that he had visited were desolated. As for the mainland, "which comprises more than ten kingdoms each one greater than all Spain," its inhabitants had been killed in civil struggles, the escaped survivors of which had been impressed into the vilest servitude. Its present desolation offered the most tragic contrast to its former prosperity.

After this exposition, Las Casas described, region by region, the results of the Conquest.

He had seen all the atrocities he reported, the massacres in the islands and on the mainland, and he proceeded to relate the events he witnessed in each of the provinces.

The Christians arrived in the first place at the Spanish Isle and they had begun by seizing the women and children, making them work for them, treating them abominably; and the Spaniards, not content with devouring their provisions, had seized all that was not given to them, and ended by killing their hosts.

"Then the Indians began to suspect that these men did not come from Heaven," as they had believed on seeing their white skins, fantastic accoutrements, their horses, their dogs,

and on hearing the thunder they carried about with them in metal tubes. They hid their women, their children, their provisions, and fled to the hills. Those that the Spaniards captured were tortured without regard to rank and station; the soldiers had violated the wife of the cacique Guarionex, King of Magua. Las Casas had seen them burn living Indians, wrapped in straw, at a slow fire "to the glory and honor of our Redeemer." Sometimes in fighting an Indian would kill a Christian; then for the Christian hundreds of Indians would be killed in massacre.[1]

All the kingdoms that made up the Spanish Isle suffered the same evils. Guarionex, King of Magua and Guacanagar and Darien had died fleeing from the Spaniards. Caonabo, King of Maguana, died at sea. In the kingdom of Xaragua, the conquerors had killed King Behechio, and afterwards hanged his sister Anacaona who succeeded him. In the kingdom of Higuey, "infinite," Las Casas said, "was the number of people that I saw burned alive."

In Cuba the governors rivalled each other in cruelty. The cacique Hatuey, having heard that the Spaniards worshipped gold, invoked it as the god of the Christians, and begged

[1] Vargas Machuca recognizes this fact, and sees in it merely a measure of repression too natural to excite indignation.

protection of it when their coming was announced. But his sacrifices were in vain, for the Spaniards captured him and burned him at stake.

Pedro Arias de Avila, governor of the mainland, was implacable, "like an instrument of divine fury and he surpassed all the abominations of the past to obtain gold." He was responsible for the killing of forty thousand Indians, and he had devastated the province of Panama over a region of thirty leagues.

In Nicaragua, discovered in 1522, the healthy, happy, and prosperous population had been almost entirely wiped out. In fourteen years, more than six hundred thousand had died as beasts of burden.

In New Spain, the massacres of Cholula, Tepea, and Panuco surpassed in cruelty the bloodiest crimes of the Turks. The Spaniards pretended to consider the Indians as rebels, to be forcing them to obey the King, but in reality one could not call a rebel one who had never been a subject. "Among other massacres, there was one in Cholula, a city of more than thirty thousand inhabitants; all the lords of the region, and above all, the priests with the high priest, came out to receive the Christians in respect and reverence, and to invite them to rest in their city and in the houses of the

sovereign and the nobility and notables. The Spaniards had planned in advance to massacre the populace, to punish them (as they phrased it), to sow terror and fury in all the places of the land. Because that was always their plan in every country they entered; a massacre cruel and signal so that these timid sheep should tremble. To this end, they had all the lords and nobles of the city and the outlying provinces sought out, and with them the chief ruler; these were gathered together quietly, so that their subjects would not learn of it. They further demanded five or six thousand Indians to carry burdens; when they had all arrived they were imprisoned in the courtyards of houses. To see these Indians when they were ready to carry the burdens of the Spaniards was to be moved by compassion and sorrow. For they came entirely naked save for loin cloth and a few strings over the shoulder in which they carried their food, and they knelt down like sheep. When all of them were collected in a large well-guarded courtyard, the armed Spaniards rushed upon them with swords and lances; none could escape such slaughter. At the end of two or three days the Indians who had hidden or who had been sheltered under the bodies of the dead crept out, saturated with blood, imploring the Span-

iards to be merciful, not to kill them. But these had neither pity nor compassion, and as soon as one came out, he would be cut to bits. All of their lords—and there were more than a hundred—had been bound and lashed, and a captain ordered that they be burned alive or impaled on stakes fixed in the ground. . . ."

What had taken place in Guatemala and Honduras would horrify the centuries of the past and those to come. The hardest of Las Casas' companions had "had bowels pierced with sorrow."

At Xalisco, Nuño de Guzman boasted of having burned eight hundred villages for the glory of God and King.

There was in Yucatan "an evil man who was named in 1526, governor of Yucatan, on the strength of the lies he told and the gifts he had made to the King, imitating other tyrants who had done so to obtain functions and positions that would enable them to steal." This governor, Francisco de Montejo, fed his dogs on native children.

In 1529 the province of Santa Marta, very rich in gold and exploited since 1498, fell into the hands of García de Lerma, "a great tyrant without any fear of God or compassion for the human race." The Bishop of this province had written to Fray Bartolomé: "In this

country there are no Christians, only devils; no servants of King and God, but traitors to Faith and King." As a result the natives hated and feared nothing so much as this name Christian, of which they had had such frightful examples.

The province of Carthagena, discovered in 1498 by Columbus, explored in 1499 by Alonso de Ojeda, who was its first governor, had received its name from the city built on the site of Caramari. Ojeda and his successors, Francisco Pizarro, Pedro de Heredia and Juan de Badillo were responsible for the state of desolation in which it was at the present time.

The Island of Trinidad was depopulated by the pearl fishing which had been forced on the natives by the Spaniards.

The Germans who occupied Venezuela were not less cruel to the natives. In 1526 the King had conceded the rights of government and jurisdiction of this territory to a company of merchants who, "heretics and lutherans," never heard mass and committed great atrocities. One of these Germans, General Ambroise Alfinger, was killed by his slaves; he left, as did his lieutenants Jerome Sailler, and Heinrich Alfinger, and his successor Jean Aleman, a record of brutality and wickedness. These "savage tigers" and "incarnate devils" had

cheated the royal treasury of payments that they owed. One could evaluate at three million *castellanos de oro* the damage caused. The ministers of justice had closed their eyes to these facts, and even the Royal Audiencia of the Spanish Isle was not afraid to favor their slave traffic.

In Florida "three tyrants succeeded each other who died making a bad end, and I am witness against the three of them." These three governors "did the work not of man but of wild beasts."

Las Casas was lavish in using terms of horror of Peru.

He was unable to state the number of villages and houses that he saw burned; and he produced also the declarations of Fray Marcos de Niza countersigned by the Bishop of Mexico which attested all the facts he cited. The torturing of Atabaliba (the name the Spaniards gave to Atahualpa) and various other chiefs who came to pay homage to the Spaniards and who were burned on the order of the governor Sebastian de Belalcazar proved the treachery of the conquerors, who bled the natives of their wealth, then cut off their hands, noses and ears, shut them up in their houses of thatch to which they set fire. In truth "it would have been better to confide the In-

dians to the care of the devils of hell than to these Christians," for they killed not only through greed, but also to spread terror. A monarch of the kingdom of New Granada named Bogota, who after torture gave them all the treasure he possessed, was then burned and quartered at the order of this "devil of a governor." And there was another demon of a captain who recited a poem to Nero the destroyer of Rome while a city was burning at his order, and the women and children were howling in agony. The natives they spared were destined to die a still more horrible death when they were led out, tied together, "like a drove of pigs to be food for their ferocious dogs."

The conquerors, contrary to their pretensions, had never taught the Christian faith to the Indians. Quite the opposite: they had hindered the monks who wished to, by their persecution of them "because it seemed to them an obstacle to the search for gold and wealth which their lust promised them." And so, the Indians knew nothing more of Christian doctrine than they had at the Discovery, and the name of Christian alone was enough to arouse the terror and hate of all these people.

Presented to the Emperor in 1542, this

"Abridged Account of the Destruction of the Indies" was printed in Seville in 1552. One could not read these pages which cited so much suffering without being deeply moved. All of the tragic experience of the religious who had lived so long among the Indians sang in his anger and indignation the funeral chant of the American race. Upon its publication the book caused a violent scandal, and stirred up a train of complaints, accusations, and insults against its author. It was attacked in America by Fray Toribio de Benevente, in Spain by a crowd of adversaries, among them the captain Bernardo Vargas Machuca who contradicted it in his treatise "Campaigns and Description of the Indies," and especially in his "Apologetic Discourses." A Spanish historian wrote: "This work was the stone of scandal thrown at Spain by all those envious of our grandeur, and because they were our enemies at a time when we had so much, aroused by fear of our great power in the Old and New Worlds."

Las Casas wrote in the "Preliminary Argument" that when he reported to the Court his account of massacres, deportations, and depopulation of villages, provinces and kingdoms, the stupor of his hearers was "a sort of ecstasy or suspension of animation." Following these charges several people asked him to send

them in writing, and he consented in seeing "unfeeling men who through cupidity and ambition have ceased to be men . . . to importune the King to obtain a licence to continue and do even worse . . . to do whatever they could."

However, Charles V, moved by these revelations, convoked at Valladolid an Assembly, which after examining the paper by Las Casas, recognized the precision of his facts, and approved of his conclusions. It was following this action that the Assembly drew up the excellent ordinances published in Madrid in November, 1543, which restrained the powers of the encomenderos and pointed out anew their obligations. They recommended them to marry to avoid the complications of liaisons with young native girls. They insisted on the necessity of instructing and converting the natives and that monks be lodged with them so that churches, monasteries, and universities might be built."

The King was greatly impressed by the revelations of Las Casas and recognized in him a man of great will-power and ability; he called him in private and consulted him on the means to be taken to give the Indies a good government. Fray Bartolomé explained the remedies he judged useful to restore order in America and to install there a just and ac-

tive authority. He insisted especially in the suppression of the encomienda. "Of all the remedies proposed it is the principal and the most substantial, for without it the others are of no value whatever." He judged it so important that while neglecting the others, he printed his treatise on this "eighth" remedy, at Jacob Cromberger's in Seville in 1552, at the same time his other writings were published.

"Let Your Majesty order," he advised, "in solemn Court, by pragmatic sanctions and royal laws, that all the Indians who dwell in the Indies, those who have already submitted, and those who will in the future, be attached to and embodied in the royal Crown of Castile and Léon as the free subjects and vassals that they are; and let none of them be given in recommendation to Spanish Christians. And let it be a fact inviolable of constitution, ordinance, and royal law that now nor never can they be taken from the royal crown, neither given to anyone as vassals or in recommendation or by any mode of alienation, nor for any reason of gratitude or necessity real or pretended. And it is fitting that Your Majesty swear by word of honor, and on the royal Crown, and other sacred objects by which princes are accustomed to swear that at no

time, neither in Your Person nor in that of Your successors shall this law be revoked by the Crown, but on the contrary it shall be ordered in the royal testament that it will be guarded, perpetuated and defended."

This preamble was accompanied by twenty reasons in which the author showed that if "His Majesty wished to shield the Indians from the tyranny from which they suffered, as if they were in the jaws of a dragon, He should not give them to Spaniards either in recommendation, or as vassals of any sort whatever." He ended his account in saying: "to kill the Indians to save their souls, or to massacre a certain number of them in order to convert the rest is a grievous sin. God does not wish a gain at the price of so great a loss." And he added: "Those who speak to the contrary merit the anger of Your Majesty as traitors."

While Las Casas was involved in discussion in Spain, Mendoza, forgetting the sage advice of his counsellor, had taken cruel reprisals against the Indians who revolted at Jalisco and reduced to slavery those who survived his "punishment." When the Father learned this, he attacked the political methods of the Mexican viceroy, and profited by the opportunity of informing Charles V of the abuses prac-

tised by his governors. The King ordered the Council of the Indies to proceed with a drastic investigation, and to take the necessary sanctions; and, following these sessions the new laws were promulgated.

They made the Council of the Indies responsible for the good government and conservation of the Indians, to the end that real justice should be given, and the Indians be treated as free persons, vassals only to the King.

Tribunals were to be set up in the principal cities to insure that these ordinances would be respected, and to assure the Indians the free exercise of their rights. Article twenty of this law stipulated expressly that "for no reason of war or of rebellion could one reduce them to slavery, for they were vassals of the Crown of Castile." No one could be made to serve against his will, either under the naborias or otherwise. One could no longer impress them for porterage, and in cases of extreme necessity, the burden should be moderate, not enough to endanger their lives or health. In such cases it was to be allowed only if they accepted voluntarily, and were paid a suitable wage.

The death penalty was prescribed for any Spaniard who, without obtaining their con-

sent, used Indians in pearl fishing. Those already employed, in Venezuela especially, were to be set at liberty if the fishing were dangerous to life. The Bishop and Judge had power of decision in cases of doubt. Finally, severe restrictions were made in the regime of recommendation.[1]

[1] It was forbidden to viceroys, governors, lieutenants and royal officers, to prelates, monasteries, monks, hospitals, brotherhoods, or treasuries to possess Indians in recommendation. Those that were so held were to be remitted without delay to the Crown, their proprietors not having the right to resign from office in order to keep their slaves. License was given to tribunals to restore to liberty, without debate or judgment, the Indians to whom ownership could not be proved by title, and as certain allotments had been made in excess, they must proceed in a revision of these acts, taking from certain encomenderos of New Spain the Indians that they had in excess to give them to those who held none at all, who were for the most part, the first Conquerors. The encomenderos who maltreated their charges were to be deprived of them, and henceforth no viceroy, nor tribunal, nor any person whatsoever was to make new "recommendations," not even in case of the death of those they held by title; finally, processes relative to Indians belonging to the Crown were under direct orders of the King. New measures were taken at the same time to regulate matters pertaining to discoveries. No one could depart for exploration without being so authorized, for either land or sea expeditions. It was stipulated, besides, that each expedition must include in its membership missionaries, who could, if they wished, install themselves in the countries discovered. Explorers were not to take natives away from their own villages, except for three or four to serve as interpreters. The Spaniard who discovered a new country was bound to report it to the tribunal which would transmit his account to the Council of the Indies. He was further enjoined to ask of the Indians only moderate tributes, and to require of them no other service whatsoever. The inhabitants of the islands of San Juan (Porto Rico), Cuba and San Domingo

These new laws were very important. Herrera tells us that the King had been thinking of them a long time, but that travel and grave questions of empire had kept him from giving his attention to the matter. It seems that Las Casas' revelations awoke his conscience with a shock. At that same time he named Sandoval and Armandariz inspectors with very extensive powers; he designated Vaca de Castro viceroy of Peru, and gave him instructions similar to those we have outlined.

were to be free from such tributes. Cried in the streets of Seville with a flourish of trumpets, these ordinances went immediately into effect. They also named the licenciate Miguel Diaz de Armandariz Visitor and Judge in residence of the provinces of Santa Maria, Nuevo Reino, Carthagena, Popayan, and Rio de San Juan and charged him to have these ordinances proclaimed and obeyed. They committed him to confirm in their functions the governors who had acquitted themselves well in their duties, and to send the others to the King for judgment. Among the special instructions which were given to the Visitor figured the recommendation to inspect in person the region he governed, to suppress all abuses he discovered there, to insist of the caciques that they attend, with their families and domestics, the services of the Church. He was also to give his opinion of the results obtained by the priests, report on the number of monasteries and missions, and to inform the Bishop of the faults he discovered. The same instructions were given to the licenciate Francisco Tello de Sandoval, named Visitor of New Spain, with further recommendation that he live in so far as possible in good relations with the viceroy, Antonio de Mendoza. The latter was to submit, as chief of all the Royal officers, to the examination which the Visitor would make of his acts, present and past, especially of those which concerned the slaves which Mendoza was accused of keeping, and the messages addressed to the King which he, it was said, had intercepted.

The tenacity of the Father of the Indians and the ardor with which he had fought had obtained this triumph at long last. The "new laws" as they were called carried noticeably the mark of his thought. The results were not to correspond with the hopes the Father and the King put in their efficaciousness, but that such ordinances could have been won, in spite of the obstacles of all sorts that opposed them, is a sign of the immense influence won by the ideas of Las Casas.

In the nomination of bishops made at that time one of the most important and richest bishoprics, that of Cuzco in Peru, was reserved for Las Casas. But it was precisely too rich and important for Father Bartolomé. He refused the bishopric that was offered him, and it was given at his request to Juan de Salano. In the light of this event, the bishopric of Chiapa was created for him, a diocese that was very poor, where his labors would be particularly difficult. For these reasons his resistance to elevation as bishop were overcome. He was at that time seventy years old, but he would never have considered taking a charge that did not demand the maximum of action and effort. He knew mankind too well to believe that the new laws would be sufficient to stop the exploitation of the Indians. He

foresaw other evasions, and incessant struggle, and a thousand incidents in which his intervention would be necessary. He would not be able to rest so long as a single Indian suffered injustice. If his humility accepted the bishopric of Chiapa, it was to find the opportunity of completing the work begun. The success he had won did not blind him. He knew that laws and inspectors would triumph only with difficulty over avarice and brutality, and that the Indians would have need of him again.

The province of Chiapa was subject to the Audiencia of Guatemala. It had been discovered and conquered by Diego Macariegos. Four nations of different languages inhabited it: the Chiapanecas, the Zaques, the Zeltales, and the Quelenes. It included more than twenty-five towns. The capital was situated at two hundred leagues from Mexico, Herrera says, in a circular valley about a league in area, surrounded by high mountains. The valley was well cultivated, crossed by two rivers, and four principal roads. The air was pure and healthful, the coolness assured by many streams which Herrera names and describes with pleasure, adding: "The streams are the noblest things in the province of Chiapa." There were forests where an astounding variety of trees grew neighbors to each other:

pines, oaks, cedars, trees that bore aromatic essences, like the liquidamber, copal, and the tacomatlaca from which a product similar to incense was taken; one found there also the cacao, palm and date trees brought in from Castile, medicinal plants and quantities of unknown spices. The fields of maize and wheat were very fertile, the walnut trees and grapes transplanted from Spain were well acclimated, the natives understood breeding, and they even knew how to harness a horse and mount. Certain parts of the province remained thick forest, full of reptiles, where no Indian dared to venture. There were also wild animals, and armadillos which Herrera compares to caparisoned horses, noting that they were also edible and that the Indians considered them a great delicacy.

The people of Chiapa were docile and "used much courtesy among themselves"; they were for the most part very artistic, among them were many painters and musicians. They bred birds for their plumage which they used in making ornamentation; they played various instruments; they were friendly with the Spaniards.

Las Casas could not remain in his diocese for very long. The feeble results of sermons that urged the conquerors to free the natives

and restore to them the goods of which they had been plundered were brought to his attention, and various Dominicans questioned him about theological rulings to apply to their penitents. Accordingly he wrote a treatise: "Opinions and rules for the Confessors of the Spaniards who have charge of the Indians of the Oceanic Indies." He laid down twelve rules in which he commanded all the confessors, in conformity with the exigencies of Catholic theology, to refuse absolution to their penitents if they did not restore all the goods they had taken, explaining with prudence, justice, and detail the various ramifications of these rules, according to whether they were to be applied to "conqueror-founders" or to encomenderos. As he distrusted promises, he recommended to the confessors that they be very particular in proving that their penitents had obeyed their commands. All the foreseen situations were studied carefully and minutely, so that he should not injure any legitimate activities, and yet obtain as complete as possible a compensation for all the damage caused. In this he attacked evil in its last redoubt, the conscience; it was there that he forced his wild beast into a corner. He knew that the weapons of the confessor were more efficacious than those of the preacher. As bishop he could

define with authority the rules to be followed in the court of penitence. It was the last round and the critical one in his long bout.

These instructions aroused the violent anger of the Spaniards established in America, and especially so since the clergy enforced them faithfully in practise. Several doctors and theologians, among them the Masters Miranda, Cano, Sotomayor, and Fray Francisco de San Pablo, approved of them and recommended that they be used. Certain monks however found them too severe and asked for certain measures of relief, to which Las Casas consented, allowing in doubtful cases a certain measure of discrimination to the monks. But it was important above all, and the Bishop insisted on this point, that the confessor be careful not to absolve lightly men who had not fulfilled their obligations. "Let the confessor beware," he wrote at the end of this treatise, "lest he become an accomplice and partner in crime and sin with him who has stolen from and killed his neighbor, for in like manner he too shall be held to the restitution of the stolen goods. And lest the poor Brother, who to save himself has abandoned everything he possesses, go to hell because of mortal sins sinned by men who have no fear of God; lest he be obliged to pay for the luxury, pomp, and

the gifts which they make from the spoil of the Indians oppressed and killed by them."

Las Casas had foreseen the extent of this work and the consequences that would follow. The conquerors, in spite of the excesses they committed, remained attached to their religion, and if they shook off the authority of the priests at times when they wished to intervene and give advice, this authority returned completely when the conqueror knelt to receive absolution. Until this time the priests had hesitated, being uncertain of the right conduct toward their violent penitents, but the rules laid down by Las Casas left no further room for doubt, and fixed the satisfactions that the confessors were in duty bound to exact from them. The Spaniards saw that they must either give up the sacraments, since the conditions previous to absolution demanded restitution and reparation, or to give up their stolen goods. All that the harangues of the preachers and royal ordinances could not accomplish the Bishop's instructions to the confessors threatened to achieve.

There remained one resource to his enemies: to try to destroy his prestige and to destroy the effect of his confessor's instructions, by raising up adversaries among the priests and theologians. There is rarely a shortage of

scholars to fill such rôles. On this occasion a Mexican law professor, Don Bartolomé Frias de Albornoz, agreed to fight the principles postulated by Las Casas. He did it in a work entitled: "A Treatise on the Conquest and Conversion of the Indians," which brought together all the false ideas on this subject, and which the Inquisition of Mexico condemned on its publication.

In spite of this check the adversaries of the Bishop were not disarmed. The successes won by Las Casas were always precarious; if a law favorable to the Indians were promulgated, the conquerors paid no attention to it, the governors themselves surreptitiously hindered enforcement. The people influential at Court worked to obtain its abrogation or at least tried to make its enforcement ineffective. And while they slandered him in the presence of the King, representing him as a traitor in the pay of England or the Lutherans, a crazy zealot, a dangerous disturber of the peace, who wished to damage Spain, or an ambitious intriguer, they spread their lies among the hordes of Spaniards embarrassed by his interference with their traffic. They subsidized agitators who, in Spain, in America, in Chiapa, spread among the people the propaganda whispered by the courtiers in the King's ear. The

colonists were shown the losses they would feel under the interdiction of slavery and regulation of the encomienda, suppression of portarage and pearl-fishing. The rules given to the confessors applied to all who had received from the conquerors any part of the possessions irregularly acquired, without excepting the merchants who had furnished them with any supplies; those who had participated even indirectly in the abuses would find themselves accomplices and held rigidly to reparations. An immense group of malcontents formed the perfect hotbed of agitation that the encomenderos desired. This agitation took at times the form of popular riots, of which the news was, naturally, taken to the Court, and which seemed to confirm the incessant complaints made against Las Casas by his enemies. Had his excesses reached such a point as to cause such disorders among people who had been apparently in favor of him? The security of the Spanish power in America was menaced by this importunate and unpopular bishop; it was believed that at any moment the disturbances might be organized into revolution. It was necessary to prevent this new danger as quickly as possible.

Since Las Casas was the center of this great disturbance, the courtiers maintained, if his

conduct really was what well-informed people said it was, he was a traitor to his country and King. Let him be brought to defend his conduct if he could, and let him be condemned if he was not able to establish his innocence. Moved by the insistence of his councillors, disturbed by the reports of the uprisings imputed to the attitude of the Bishop, the King sent him a command to come to Court and explain. Las Casas obeyed. He left his bishopric, which he had scarcely lived in for three years, and which he had confided to the care of the Dominican, Francisco Casillas, and set sail.

X

The Thirty Propositions

This time Las Casas departed for Spain as a suspect, accused of high treason and lèse-majesté because of his instructions to the confessors.

The indomitable old man did not find excuses for himself; he took the offensive. In the hearing before the Council of the Indies he presented for his defense a paper containing "Thirty propositions at law on the rights the Church and Christian princes have or may have over infidels, to whatever nation they may belong." This treatise had been approved and countersigned by five great masters of theology: Miranda, Cano, Mancia, Pedro de Sotomayor, and Francisco de San Pablo. The theme of the book was thus summarized in the introductory argument, which revived in itself one of the principles outlined in the memorandum to confessors: "I affirm that all that has been done in the Indies by the Spaniards is without any legal standing," as done

without royal authority and opposed to natural justice.

Was it true then, as they accused, that he did not recognize the title and sovereignty of the King of Spain over the Indies? Far from that, but he founded this sovereignty on the only principle which, to his mind, assured the full right: on the authority of the Pope and the mandate received from him. And he developed a very remarkable theory of the right of colonization and of high domain over unchristian peoples, drawn entirely from the theological doctrine of the "indirect power" of the Sovereign Pontiff over temporal matters to the achievement of the spiritual ends to which it was his mission to bring humanity.

The Roman pontiff, he explained, possessed the same spiritual power as Jesus Christ over the people of the earth, believers and infidels. This power, however, was different depending on whether it was applied to those who had never been baptized, or to those who were members of the Church. The former were subject to his jurisdiction only as authority, and it was especially to bring them to the faith that was his mission.

On the other hand, and especially because of the spiritual and supernatural ends that were to be pursued, it was the Pope's right

to assign to Christian kings their tasks in the evangelization of the world, to command them to unite their persons and resources in expeditions to be made in the interests of the faith, these expeditions to conform to the needs of the occasion and to their resources.

No king could undertake, on his own authority, such an expedition, unless in a case of extreme necessity, without having obtained the express or tacit permission of the Pope. He could, moreover, choose among the sovereigns whomever he wished to have act for him, and the others had no right of protest or intervention of any kind. For, given that these enterprises were undertaken in the interest of the Church, all division of power would be harmful to the success of the undertaking. To avoid such confusion, and by delegation of divine authority, the Sovereign Pontiff had divided, and would in future divide, heathen kingdoms among Christian princes, exercising a high imperial domain, seeing to the propagation of the faith, to the growth of the Church, to the conversion of sinners, and the health of souls. It was important furthermore that the princes who had been honored by these concessions, divisions, or commissions should not seek in them means of satisfying their greed or their ambition, for they had not

been given them for their own honor and interest, but for the glory of God and the need of the infidels. They ought not ever to use their privilege for their personal advantage or for that of their country. They ought rather, like good tutors, to consecrate themselves to the moral and material well-being of the peoples confided to their care. And if it were just that they should receive any remuneration for their pains, they ought not to make this recompense the end and aim of their effort.

It was a complete theory of Christian mandate which was thus outlined, interpreted as a function of ideas commonly admitted in Christendom on the relationship of the Imperial sovereignty to that of national sovereignties.

Las Casas, having examined in this fashion the bases of the power delegated by the Holy See over the infidel nations, analysed the extent and the means of its exercise. It was fitting then to establish the relations which ought to obtain between these Christian rulers and the native sovereigns who ruled over these countries, and also between the overlord and the individual. Naturally, since the papal concession predicated benefit for the infidels, it was essential that the kings and princes to whom the right of government naturally be-

longed should not be dispossessed, and that the rights of the individuals be insured them. In fact and in law the property of the people under mandate ought to be respected. Many persons had wished to prove the contrary, but their doctrine was false, pernicious, and tainted with recognized heresy.

In reality the infidels could not be deprived of their independence, dignities or other rights, either by reason of their idolatry or for any other sin, no matter how serious or unfortunate their offense might be.

Since they had not received the faith, the natives could not be punished for sin by any judge in the world, so long as they did not directly hinder the preaching of the Word. It was precisely in view of such preaching that Pope Alexander VI had given to a Christian King the charge of evangelizing the West Indies. In remuneration he had raised him to imperial dignity. It was then by divine authority that the King of Spain had received the highest dignity a monarch had ever received—that is to say the mandate to deliver Spain from the infidel Mahometan, and to reign over the Indies discovered by Christopher Columbus.[1]

[1] The Spaniards attached a providential and almost miraculous intention to this discovery. Legend would have it that a Portu-

The Pope had given to the King of Castile the exclusive power over the Indies, and he could defend them from any other people who attempted to establish themselves there without his authorization, under pain of excommunication. This concession made with the authority of the Holy See, which constituted the Kings of Castile and Léon the supreme and universal sovereigns of the Indies, was an act made under divine sanction, and in it rested, in the opinion of Las Casas, the only legal foundation for the title claimed by the Crown.

In no case could this imperial sovereignty embody danger to the rights of the native kings and natural lords. It allowed their power

guese navigator had seen the island of Santo Domingo while all his men were sleeping. After taking his bearings, he changed his route in order to profit alone from his discovery. Chance brought him to die in the house of Columbus, to whom he revealed his secret, and who after trying in vain to interest Portugal and France in his expedition, received from Ferdinand and Isabella the ships he needed.

Other facts seem to bear out this legend. When Don Gonzalo Giminez de Quesada founded the city of Velez in the New Kingdom of Granada he was astonished at finding a cross sculptured in a rock. The Indians told him then that fifteen years earlier a man with a long beard, carrying a cross similar to that, had come into the country. It was he who had carved this mark and he had wished to teach them a new religion, but on their refusal he had departed, prophesying that later the Spaniards would come to accomplish what he could not, a prophecy that had been confirmed by their idols who had in their turn announced the coming of the Christians.

to remain intact and the entire extent of their administration. In return they were obliged to recognize the King of Castile as their one and sovereign Emperor, after they had received the faith and baptism. If they refused to recognize him before they were converted to Christianity, they were not to be constrained or chastised. For that reason it was to the King's interest to send as many missionaries to them as possible to bring about their conversion. It was a formal order from the Holy See, conforming to the will of God. The King could not escape it without committing sin nor without losing the benefits of the concession, since it had been entrusted to him on that condition. He ought to take every measure necessary to insure the preaching of the faith, and watch to see that it was taught according to the customs and decrees of the Church—that meant of course, with kindness and good example—so that the infidels who heard the Gospel would find the Christian religion just and good.

The wish to impose it upon them by war was in opposition with the spirit of Christianity; it was adopting the ways of the Romans and Mahomet. This means bore within it serious prejudice against conversion, for the natives would curse God believing Him to be

unjust and cruel, and would refuse to serve Him. "Those who sustain a contrary opinion are blinded by hatred, and sin gravely in persisting in their allegations."

In point of fact, the Kings of Castile had always interdicted slavery of the Indians. Certain people pretended to find in their instructions phrases which authorized it, but that was false interpretation of the text, which had been corrected and explained in subsequent laws. Consequently all these wars made without right had been unjust, iniquitous, and tyrannical, and without any legal basis.

The act of concession had very explicitly defined the rights and the duties of the King. He must give the Indians a good government —that is to say, to remove from their customs all that there might be of evil, respecting their good and just laws, which were, incidentally, more numerous than the bad, for these people had possessed a strong administration, equitable and well-ordered. The best means of assuring good government was to advance the propagation of the faith, for by that the Indians would obtain great advantages, not only in their spiritual life but also in their physical existence and temporal well-being.

The divine will was shown very clearly in the pontifical instructions, and one could see

a diabolical spirit and intention to harm the Church in the "allotment" and "recommendation." In effect, to confide the care of the Indians in the Spanish soldiers was to "divide the cattle among the famished wolves." The Spaniards had made them work in the mines night and day without respite; they had imposed tributes that they could not pay and labor levies which exhausted their forces. In these ways this unfortunate race had suffered terribly in body; but what was even more serious, they had been deprived of the spiritual benefits they should have gained from the Conquest. If the favor of God had been shown in the grace given to the Spaniards in permitting them to be the first to land in the New World, it was the devil himself who had invented this infernal tyranny which was the cause of the destruction of the natives and an obstacle to the propagation of the faith.

To treat the Indians as cattle, to allot them out in encomiendas and *repartimientos* was to collaborate in the work of the devil, and those who pretended to do it under the orders of the King slandered the majesty and justice of the monarch. Allotments and recommendations had never been ordered by the Kings of Castile who, on the contrary, had insisted always that the life of the Indians be respected

and their property rights as well. Queen Isabella, who had sent Admiral Columbus as governor, then Francisco de Bobadilla, then Commander de Lares, reiterated each time that the Indians must be assured peace, justice, and liberty. It was Commander de Lares who, in 1503, had introduced these deplorable institutions, unknown to the Queen, and each time that Their Majesties had learned that their orders had been transgressed, they had repeated their instructions and prohibitions. In June, 1523, the King, who was then at Valladolid, had condemned the allotments and recommendations in a letter which he sent to Hernando Cortés, a letter in which he had recommended that the Indians be let live free and in accordance with their own desires.

If the King had known of all the occasions when his orders had been broken, he would have applied severe sanctions. Unfortunately he had been absorbed in his travels and foreign affairs interesting the State, which had kept him from being accurately informed of the calamities in the Indies and from putting a stop to the misdeeds of the Spaniards.

It was in virtue of the considerations embodied in the Thirty Propositions that Las Casas concluded: "All that has been done in

the Indies has been done without right or standing."

There are two points that were of particular importance in this discussion. They were those advanced in the seventeenth and eighteenth propositions, namely, that the Pope had given exclusive power over the Indies to the King of Castile, and that this concession of the Holy See was of divine origin. And also that this sovereign empire was to confirm the rights of the natural sovereigns of these peoples.

On these two principles rested the entire juridical construction of Las Casas, and he returned frequently to them in all his other works. They served to define exactly the nature and extent of the rights which he recognized as belonging to the King. Their divine and pontifical origin conferred on them a grandeur and importance that elevated the Crown of Spain above that of the other sovereigns of Europe, but it entailed serious consequences if the exercise of these rights ceased to conform to the intention for which they were created. As a mandatory power of the Holy See, Spain had the advantage of not having the validity of her title contested. She was even protected by this mission from all rival nations who might pretend at any time to claim

any part of the lands confided to her keeping. But her duties were, like her rights, of a special nature, conditioned by the power which was their source and distributer. Let the King beware lest he commit any act that would establish beliefs that he had surpassed the limits which were defined for him, and lest he abuse his power.

This doctrine was completed and enlarged in the "Treatise confirming the Sovereign Empire and universal Princedom that the Kings of Castile and Léon possess over the Indies," printed in 1553. It was certain, Las Casas explained therein, that in placing an emperor over the natural rulers of the American peoples constituted for them an injury, a diminution of their authority and of their liberty, but this injury would be compensated for in the gift of Christian faith. Could one say that their liberty would suffer? When the defects of their government and politics were corrected would not their liberties be greater? In giving them laws conforming to justice and the Christian religion, the original customs that were good would be conserved; merely the barbaric practices would be suppressed. The consequence of this change would be an enrichment of public good, and if one prevented them from committing sins such as hu-

man sacrifices—which were nevertheless very rare—the advantages that they would gain would outweigh the injury done them.

Then, after having developed and substantiated his thesis on the foundation of the imperial sovereignty of the King of Spain over the Indies, the Bishop of Chiapa reviewed, in order to refute them, the themes dear to his adversaries. Some pretended that the rights of the Spaniards were founded in their nearness to the Indies; others in their ethical superiority, others in the barbarism of the Indians, who were savage and ungovernable. The first argument was destroyed by a simple geographical demonstration. The people nearest the Indies were the Portuguese. To the second and third Las Casas replied that the ethnical superiority of the Spaniards was not a matter that was proved. He held that the civilizations of the Greeks, the Africans, and the Asiatics were in their time higher than that of Spain.

One may recognize in this another instance of the free spirit of Fray Bartolomé and of the courage with which he examined ideas which he knew to be abominations to his countrymen. It was safe enough to talk of the Asiatics, who were far distant, and of the Greeks who had disappeared into

the past, but to state the superiority of the hated Africans, whom the Spaniards had driven from Spanish soil with so much difficulty, was to stir up the public against him, a public still drunk with victories won over the Moors. No race prejudice blinded Las Casas. He had admired the marvels of art and industry the Arabs had scattered throughout Spain; he had remembered the palaces and libraries and the well-cultivated countrysides and gardens where fountains played. If the Greeks, the Asiatics, and even the Arabs possessed a civilization superior to that of the Spaniards, by what right did these crush out in contempt the customs of the Americans? For the natives were not barbarians as his countrymen contended, Las Casas insisted, but a very civilized people. The deeds with which they were reproached, human sacrifices, cannibalism, unnatural vices, were extremely rare. He who had passed nearly sixty years in America had not found a trace of these things "in the very large and happy Spanish Isle, which is larger than all Spain, nor in the Island of Cuba, longer than the distance from Valladolid to Rome, nor in the Island of San Juan, nor in that called Jamaica, nor in the Lucayes, which number more than forty, not on the mainland, in the kingdom of Yucatan which

is two hundred and eighty leagues long, nor in the kingdoms of Peru which are very large, not in the thousand leagues of Florida."

The impression made by the Thirty Propositions was tremendous, and in Las Casas many began to recognize the dangerous revolutionary so frequently denounced. Unfortunately this revolutionary was supported by very powerful legal principles; he had had them confirmed by the authority of the fathers of the Church, and canonists, and his position was too strong to be crushed by ordinary means. The large number of theologians and doctors shared his opinion. Even those who hated to approve openly kept still and did not risk taking part against him. The hired scribblers of the governors could without much trouble invent slanders about him, but they recognized the fact that they were incapable of facing him in debate. Was there an adversary equal to the occasion preparing for action against him?

The enemies of Las Casas found their champion in the royal chronicler Juan Ginés de Sepulveda. This gentleman was a learned man subtle in controversy. A great Latinist, an industrious historian, and often well informed, he had many qualities to recommend him, but the love of paradox and sophistry, a certain

perverse taste for chauvinist reasoning, a definite antipathy for the theological absolutism of the Dominican bishop, and perhaps also the desire to court the monarch induced him to enter the struggle. To justify war in general, and especially that waged by the Spaniards in America, he composed a work in Latin entitled: *De justis belli causis.* The Council of the King to whom he submitted this book, refused him permission to print it. Sepulveda then seized the idea of using the friends he had in Rome to have it published there. Seconded by Antonio de Augustin, Bishop of Lerida, he obtained for his *Democrates Secundus* the authorization which was necessary, but as Spain was closed to him, he made an abridgment in Spanish which obtained a great success immediately.

Sepulveda was skilled in gathering together all the complaints of the governors, but where they had expressed them awkwardly, he clothed them with legal tinsel, points chosen cleverly, and which did not appear, at first glance, without merit.

To his mind the war against the Indians was not only legal, but also desirable because of the seriousness of their crimes and especially because of the idolatry and unnatural

vices they were accused of practising. Besides, they were a thick-skulled people, servile and barbaric, and it was only natural that they should serve the Spaniards, who were a superior race. Their submission would serve the interests of the faith, since it would facilitate preaching and the persuasion the monks had to use to convert them. Finally, these barbaric nations were committing the greatest wrongs against one another in killing men for sacrifices to their gods and even for food at times.

Had not God commanded war against idolaters, and had He not given an example of the punishment one ought to inflict on them for their vices in destroying Sodom and Gomorrah? Had He not through Abraham and the elect people of Canaan chastised the Jebuzeens and the seven nations that occupied the Promised Land? And Doctor Sepulveda invoked at length canonists and Scripture to support this first point.

As for the conversion of the infidels, it was God Himself who had told us what conduct to follow, and the "compelle eos intrare" cited by St. Luke showed in what manner the infidels should be treated.

The character of the Indians in itself made it a duty of the Spaniards to correct their

defects. We have already seen what sort of picture of the American natives was presented to the King and to the Spanish people. The conquerors, habituated to the dangers and horrors of European warfare, could not describe without a shudder the temples soiled with human blood, the mutilated priests with hair matted with blood, barbarian armies, monsters kept in Mexican caves, slaves fattened for eating, jars full of snakes, the "sad dwarfs" imprisoned in cages. Vargas Machuca held that they were treacherous, lazy and cruel, and that they had public butcher-shops with human flesh displayed. The governors who had trusted to their calmness and good faith had been repaid by rebellion, and massacre of their soldiers. They were, to believe this captain, "more cruel than the tigers of Hircanum, the lions of Getulie, and the wolves of Lybia." And Machuca added: "I would take the spear against them as readily as the pen." He censured their baseness and their hypocrisy which he compared to "the nature of the crocodile, terrible in pursuing whatever flees before them, but lazy and cowardly when one stands up to them."

Their stupidity equalled their cruelty. Had they not mistaken the Spaniards for sons of the Sun, and had they not believed that they

and their horses were one creature? It was to their surprise that one must attribute the mildness and obedience with which they had treated the new-comers. They had lost all their respect when they recognized in them mortal and vulnerable men like themselves.

These were the reasons on which the partisans of the Conquest based the legitimacy of their possession, and to which the book of Sepulveda gave a specious force of probability.

The governor who had oppressed a province learned from this book his complete innocence, as did the encomendero who had killed Indians under his whip, and the slave-dealer who had razed villages. If the preaching of Las Casas had raised a doubt in their minds, or at least anxiety, concerning the legitimacy of their acts, the *Abridgment* of Sepulveda, circulated in America and in Spain, immediately reassured them. Hypocrisy found there its due, and brutality lost nothing by it.

Better still, to the material benefits they enjoyed were now added the security of feeling that they had acted well; now the way was open to sterner treatment of the natives, since it was in agreement with justice and the doctors. For the position of fact formerly invoked by the conquerors was substituted a position

of right, much more dangerous since it had the appearance of legality.

An important part of the Court and of the populace supported Sepulveda, but Las Casas did not lack for partisans. The struggle that arose stirred up passionate opinion. Fray Bartolomé had already fought the publication of the *Democrates Secundus*. When the Royal Council of the Indies had refused Sepulveda permission to publish it, and when, wishing to carry the matter further, he had obtained through his friends at Court, an order from his Majesty, authorizing him to present it to the Council of Castile, Las Casas opposed him with all his forces, pointing out that since he was concerning himself with theological matters especially, it would be prudent to refer the situation to the Universities of Salamanca and Alcala. Although Sepulveda had numerous friends in these universities, and although he had won a good reputation as a scholar, they had pronounced against him. It was then that he had had his work printed in Rome, and had made his Abridgment in the popular tongue. It had obtained its success because, Las Casas said, "it was a very agreeable thing all those who dreamed of acquiring wealth in the New World." The doctor hoped then to find in this dispute the occasion of revenging

himself on Las Casas who had, in his turn, made an Abridgment in Spanish of his defense of the Indians; in it he refuted the reasoning of Sepulveda, "and declared to the people the dangers, scandals and damage contained in the doctrine of Sepulveda."

XI

The Controversy with Sepulveda

The Royal Council of the Indies arranged a meeting with the two adversaries in 1550. The Court was then at Valladolid, and was engaged in various affairs of interest to America. The conquerors of Peru had asked of the King that the allotments of Indians made in that province be made perpetual, and upon the opposition of Las Casas the question hung in the balance. Upon his return from Germany the King, informed of the discussion between his historian and the Bishop of Chiapa, made it known that he wished to hear them both. To the Council of the Indies was added a commission made up of learned men, theologians and jurists, and authority was given this enlarged tribunal to hear the opposed sides, to examine them, and determine "whether against these kingdoms of the New World the wars termed conquests could be waged, legally and according to justice, barring the fact that they committed no new offenses such as those

committed in their ignorance against the Faith." Sepulveda spoke first. According to Las Casas, "he said everything that he wanted to," that is to say, he developed his two principal arguments: "the wars waged by the Spaniards against the Indians are legal through reason of their cause, and by the authority which had ordered them; one could and should proceed in that manner"; and "the Indians ought to submit and be governed by the Spaniards, and if they refuse, one may make war upon them." He repeated here the themes of his *Democrates Secundus,* which had so greatly pleased the conquerors.

The sophisms of the historian struck at the Bishop in what he considered the most essential quality, the straightforwardness of conscience, the defense of truth. The conquerors had not tried to explain their criminal acts by sacred text. Their cupidity and cruelty were written large in the letters and discourses they wrote against him, but in the arguments of Sepulveda he recognized the poisoned dialectic of the Enemy, who could give to evil the colors of good, and could place error under the protection of the most saintly authority. It was essential to unmask his sophistries, to break down this misleading reasoning.

He rose; he spoke: the presentation of his

Apologia lasted five days. He described the most serious events which he had witnessed during the fifty years he had passed in America. He described the suffering of the Indians and the cruelties of the conquerors. He repeated all the declarations made by his opponent and demonstrated their falsity. Finally he established the reasons by which he proclaimed war upon the Indians to be iniquitous, contrary to divine law and human right.

On the subject of "Compelle intrare" invoked by Sepulveda, he replied that these words did not mean outward compulsion by war, but the inner compulsion brought about by God in His inspiration or by the ministry of the angels. He cited in support of his interpretation the forty-first homily of St. Chrysostom and the "question discussed in *De veritate*" in which St. Thomas speaks of "efficacious persuasion." God had many ways of persuading the hard of heart. He could enlighten them by word, by miracle, or by adversity, the "happy necessities which constrain to good" according to the word of St. Augustine, but He did not permit violence. The compulsion was not that of war, but on the contrary, Las Casas emphasized magnificently, that of "the great virtue of God who is able to move the hearts of men."

As for the matter of the authority of the Old Testament and the example of the inhabitants of Sodom and Gomorrah, punished for their vices, Las Casas reproved the tendency to seek models in the ancient Law. One might respect, but not imitate the examples one found there, he declared, and after this affirmation, having provoked a stir among those present, he showed further that St. Augustine, St. Gregory, and the Decretalists expressed themselves as of the same mind. Moreover, if God, in His great wisdom, had judged it well to destroy Sodom, that did not give the right to men, who did not possess His light nor His prudence, to make war and burn villages peopled with innocents.

Further, the Church could chastise only Christians, for they alone fell under her jurisdiction; the chastisement of those who were not Christians was reserved to God. *Eos qui foris sunt Deus judicabit,* St. Paul had said. And St. Thomas taught that the infidels *actu non sunt de Ecclesia sed in potentia,* and that the Church could not punish the unfaithfulness of those who had never received the Faith. St. Augustine had said the same, in *De verbis Domini:* "One must attract the Gentiles by mildness, but with Christians the rotten may be cut away," that was to say, convert the

infidels but strike the heretics and apostates. In the same sense he counselled them not to smash idols, but rather to destroy them in the hearts of their worshippers. With a few exceptions, it was thus that the apostles and martyrs had acted. It was necessary to destroy idols with doctrine, in showing their falsity according to the example of Denys, or by a miracle as St. Bartholomew did, who exorcising an idol, brought out of it a devil who, in his flight broke the image.

Sepulveda and his partisans maintained that one should tear the infidels by force away from their idols, and that if they opposed them, it was legal to punish them with death and confiscation of their goods.

This severity found its explanation in the profitable pillaging which the conquerors had done in the temples of the Indians. Whenever the idols were made of precious materials, the pillagers had kept them carefully, and often even had sold them in a neighboring village, obliging the cacique to buy them and making him pay dearly for them. That did not hinder them, however, from stealing them the next day—reproaching the Indians for their idolatry!—to sell them again in the next village.

On the subject of idolatry, it was essential to remark, Las Casas added, that man could

not live without God. Therefore idolaters should not be constrained by force from worshipping their gods, but should be shown that these were false gods, and the knowledge of the true God should be given them. One could not know how to punish them for their sins, for they did not know what the nature of sin was, nor the law that forbade it. He believed for his part that apostasy was a greater sin than idolatry. All the theologians were agreed that apostasy proceeded from pride, obstinacy, and from the refusal to submit. Idolatry, on the contrary, found its origin in the natural need of man to worship. He who had never heard of the true God devoted himself to false gods, but, if he held this worship to be good and right, one could not take offense at his ignorance, whatever forms his worship took.

The human sacrifices, frightful in themselves, did not constitute a sin for him who made them in good faith, piously, to render homage to his divinity. He did not know that he was doing evil; he obeyed his priests, his kings, his sages who had taught him this custom. He was showing his violent love of his god, even as women who have themselves buried with their husbands give the greatest proof of affection of which a human being is capa-

ble. Human sacrifices were very frequent in antiquity, among the Latins, the Carthaginians, the Tartars, and among the islanders of the Orient, as St. Clement, Lactance, and Eusebius bore witness.

It was right that we should love and serve God to the point of dying for Him if that should be necessary. In this regard there was no difference between those who knew the true God and those who worshipped idols, holding them to be real divinities. The ignorant conscience had its ties and compulsions just as did the true conscience. It was the work of the Spaniards to make the Christian faith prevail by showing its excellence by preaching and good example; but it was probable that the natives would find it difficult to find this excellence since they saw the Christian faith represented by tyrants, thieves, and murderers, and they would hold, and not without reason, that their human sacrifices were less reprehensible than the atrocities committed by the conquerors who considered themselves Christians. And as long as the Christian faith should be imposed on them in so brutal and criminal a manner, they would have reason to reject it and to prefer their natural and traditional religion.

It was not in the tradition of the Church

to fight infidels unless they had first attacked Christians. Under six conditions only was it permitted to make war against idolaters: if they occupied by violence lands which had formerly belonged to Christians, such as the Holy Land; if they defiled by grave sins of idolatry the Christian faith, sacraments, temples, or images; if they knowingly hindered preaching (however, if they saw the preachers accompanied by armed men, which led them to believe that their lives were endangered, their refusal and their defense were legitimate); if they were the first to attack, like the Turks; if they, knowing what they were doing, cursed the name of Christ, the Saints, and the Church; if they oppressed the innocent, for these were confided to the Church by divine law.

Outside of these limited conditions, no one had the right to make war upon the infidels, even to get them to decide to accept the Christian faith. It was true that the Pope had received from Jesus Christ the authority to preach throughout the entire world, but Christ had not given him coercive methods to impose his preaching on an ignorant people. He had reprimanded His apostles when they asked of Him fire from Heaven to punish the unbelievers, and moreover this fire "was more effi-

cacious than the wars advocated by the Doctor Ginés de Sepulveda."

There were just wars, and in these it was natural for the Pope to encourage Kings, but he could not do it "when they followed the road of Mahomet." The rôle of the Pope and vicar-prelates of Christ was to restrain Christian kings from waging unjust wars, and they were obliged to obey him under pain of mortal sin and grave sacrilege. The Emperor had the right to forbid idolatry among his subjects, as Constantine did, but he did not possess that authority beyond his frontiers. It was not true that St. Gregory had made war on the infidels to impose the Christian faith on them. When he wished to convert the English, as the venerable Bede and Jean Diacre have written, he sent them forty monks, but he did not follow them with an army; and if he approved of the wars of Genandio, it was because he was struggling against the Vandals or the Moors who had usurped the lands of the Church.

The truths of spiritual order did not impose themselves by force. It was essential that those who should receive the faith should have a spiritual attachment to those who came to preach to them, and these ought, by the example of their lives, to bear witness unmis-

takable of their religion and their God. And nothing could excite more hatred in the hearts of unbelievers than war, and they could only hold as tyrannical and abominable the God who led these cruel soldiers, and as false the religion they would teach. It was wise then to follow, in this too, the example of Christ who did not send armed men to preach the faith; it was in dying and not in killing that the apostles had spread the Christian doctrine.

When Las Casas had finished his argument, the Assembly charged Father Domingo de Soto, confessor of His Majesty, to sum up the arguments of the two adversaries.

A few days later, after he had examined the summary made by Fray Domingo de Soto, Sepulveda demanded permission to reply, "to defend the authority of the Holy See Apostolic, which had authorized the Conquest by a special bull, and the honor of our King and Country." He proposed however not to waste the time of his hearers, who were tired, no doubt, he added ironically, from listening for five days to the Bishop. The Assembly consented to hear him and permitted him to make twelve objections. He discussed again the power of the Pope over the infidels, and the legitimate cause of war caused by idolatry. War, he said, was less murderous than the

human sacrifices previously made in America were. If the Bishop of Chiapa stated it to the contrary, it was without doubt because he was not well informed, but each year more than twenty thousand victims had been sacrificed. That would make six hundred thousand victims in thirty years; it had taken the Conquest thirty years to equal one year of sacrifices. Were not human sacrifices abominable in themselves, and had they not been condemned in every time, even by the sages of antiquity? It was the Pope himself who had confided the Indians in the care of the King of Spain, and he had approved the way in which the Conquest was carried out. Under these conditions was not the Bishop of Chiapa rather daring in pretending that all these conquests were unjust and tyrannical, and could one not see in his book a defamatory libel directed against the King and against Spain? How could the order of Christ who had desired the propagation of the faith be obeyed if the monarch let himself be persuaded not to make conquests? If there were no soldiers to protect the preachers, no one would go to America, "even for thirty ducats a month." The gold mines and the profits that could be made from the Indians encouraged the zeal of the conquerors, and if the natives received

the immense benefits of the Faith, was it not just that they should pay? This they would certainly never do unless they were constrained by force. Whenever the Spaniards had tried, at the instigation of Fray Bartolomé de las Casas, to send preachers without escorting them with soldiers, either the missionaries had been killed, as was the case in Florida, or else their preaching had had no effect. The Indians resisted conversion even as the crazy man strikes the doctor who is taking care of him, and the naughty child detests the tutor who punishes him; and it was for this that the soldiers had to make them submit first, thus preparing the way for the missionaries. Disdaining the majesty of the King, the Bishop of Chiapa pretended that the Indies were occupied tyrannically and without right. Sepulveda had refuted this allegation in his book which was printed in Rome, and which was approved, he said, by the Pope's vicar and the Master of the Papal Palace, and praised by many of the wise men of the Pontifical Court. He would not have returned to this subject if the Bishop had not repeated his scandalous accusations and had not hastened to "close all the doors to justification, and to reduce to nothing all the titles on which the rights of empire were based."

Fray Bartolomé replied indignantly. He scorned the ironic tone of Sepulveda; his words were dry and distinct. All that the chronicler had stated, he said, was inept and false, for Sepulveda had considered the doctrines of the Saints only as a means of covering, coloring, or whitewashing his own doctrines. He had not hesitated to bear false witness in deforming the writings of canonists, and good sense itself revolted at his words. The Indians were barbarians? They were as many other well governed and wise nations were formerly, such as were those of Three Magi, according to St. Chrysostom, and the Spaniards themselves were in the past. And the Bishop wished to ask him "if he would have approved of the Romans dividing our country and spoiling it of its wealth and killing our ancestors, as he now approved of the acts of the Spaniards in the Indies." In reality the Indians were not so barbaric as they were said to be. They were quick at understanding, subtle of nature, apt at learning every moral science and speculative doctrine, ordered and intelligent in political organization, and provided with very just laws. They had obtained admirable results in the mechanical and liberal arts such as vocal and instrumental music, grammar, logic, and everything they had been

taught, and "will it not injure Sepulveda's conscience a little, that a man so esteemed as he is, and so learned in other things, has not questioned, before treating of matters he knows nothing of, the servants of God who have preached in these regions?" He had preferred undoubtedly to listen to the colonists and soldiers who had denied their acts of usurpation, their thefts and their crimes, and who had deceived him about the consequences of the Conquest and the sufferings of the Indians. He regarded as an irrefutable authority this historian—was Las Casas alluding to Quevedo?—who was the greatest enemy of the Indians, and whose book was "false and atrocious, scarcely a page of it without lies." Wise and well informed men were astonished to see the Reverend Doctor give so much credit to works devoid of value. Either he had naïvely let himself be deceived, or else he had disguised the truth knowingly. But in either case he was equally guilty, and his words need not be taken seriously. The figures which he cited had no value whatever. When he pretended that each year twenty thousand victims had been sacrificed to idols, the facts themselves refuted him, for these countries would not have been so populous upon the arrival of the Spaniards if such massacres had taken

place. One could recognize there "the voice of the tyrants" who had furnished him with the elements of his book, the argument which they brought in to excuse and justify their violences; and all their partisans, as the Doctor was doing, repeated them without knowing whether they were false or true. What had happened, in reality? "One can say that the Spaniards have sacrificed to their very well beloved and adored god, gold, each year since they have been in the Indies, more human lives than the Indians of all the Indies in the world have sacrificed in a hundred years. The heavens, the land, the very elements and stones witness and proclaim it, and the tyrants themselves cannot deny it. . . ."

To wish to disguise and excuse these crimes was to render himself as guilty as those who had committed them, and "the Doctor will have to reply one day for having been indifferent, when he shall have seen disembowelled, broken-hearted, and desolate in soul, so many sacrificed innocents."

Las Casas proved later, by various examples, that "the Doctor is dogmatizing in turning to his account the authority of the Saints, without foundation or any reason . . . "; and exasperated by the bad faith of his adversary he declared "the wish to fight him as a capital

enemy of the Christian republic, advocate of brutal tyrants, exterminator of the human race, and sower of mortal evil in the kingdoms of Spain." The hypocrisy with which Sepulveda distorted the terms of the papal bull provoked this violent challenge; Las Casas followed it with a very precise discussion of the actual text of the bull. It was not true that Pope Alexander VI had desired the Indians to be subdued by war. In fact he had not commanded the King of Spain to send soldiers, but "honest men, fearing God, learned, expert, and well-advised," to instruct the inhabitants of the New World in religion and good manners, and to win them to religion. It was the precise meaning of the Latin word *inducere* employed in the bull which disposed explicitly of all idea of constraint or of violence. The Pope had never prescribed nor approved a bloody conquest, which was "iniquitous and Mahometan."

The first expedition sent to the Indies was composed of peaceful men and laborers who were sent with the intention of settling in the discovered lands, to cultivate them and to build, and to attract the natives to them by good will, mildness, fair words and works of kindness. The Admiral, Christopher Columbus, having portrayed the natives as capable

of receiving the Christian faith, the King attached to his expedition a religious mission directed by Fray Buyl. Orders were given to the Admiral and to all his men to treat the Indians amiably and to give them gifts and to pay homage to their sovereigns. If anyone maltreated them, the Admiral, Viceroy and Governor was to punish severely those who were guilty. Conforming to the Pontiff's instructions, the King had not desired that war be waged against these populations that he knew to be peaceful and capable of attaching themselves to those who treated them humanely. He had not ceased to command all the Spaniards who went to America to act with kindness toward the Indians; this solicitude might be found in the will of Queen Isabella, in which one saw clearly that the intention of the King and his Consort was not to combat the Indians but to win them by honorable practices and good example.

"Ever since," wrote the Queen, "we were conceded by the Holy Apostolic See the islands and mainland beyond the Ocean, those discovered and those to be discovered, our principal intention has been, as we requested of Pope Alexander VI who made us the concession, to charge ourselves with inviting and leading the people who inhabit these lands to conversion

to our holy Catholic Faith, to send prelates, monks, clerks, and other learned and God-fearing men to these islands and mainlands to instruct the inhabitants in the Catholic Faith, to teach them, and to give them good customs. and to do this with the necessary diligence, just as it is written in the letters of concession. And I beg the King, my very affectionate Lord, and I command the Princess my daughter and the Prince her husband to do and accomplish that which has been commanded, and to do it faithfully, and that this be their principal charge. And that they shall not tolerate the subjecting of the Indians living in these discovered lands or the countries that may be discovered to any harm to their bodies or to their material possessions, but on the contrary see that they are treated with benevolence and justice. And if any damage is caused them, that reparation and remedy be made. and that they do not exceed the things prescribed in the letters of concession."

This care which was taken by the dying Queen to recommend the Indians to the good will of her children was proof enough that the intentions of the sovereign had been badly interpreted by her subjects and servants, or that they had knowingly disobeyed the commands they had received. One found also in

the archives of the Royal Council of the Indies laws, instructions, and many letters of Her Majesty forbidding war and maltreatment of the Indians. The misdeeds of the conquerors were not in conformity with royal orders, but opposed, rather, to their recommendations and to their express prohibitions, as he had shown in his Thirty Propositions. "What Doctor Sepulveda says is not only mischievous, but absurd and contrary to all reason, for the Pope would never have approved of the wars, and at the same time give powers and privileges, and indulgences for the building of churches, cathedrals, bishops' palaces, monasteries and other spiritual things, as if Christ could associate with Belial."

The error of Sepulveda came from his confusion, voluntary or not, between preaching the faith to those who had never been instructed in it, and its conservation among those who had already received it. According to law and the divine precept, there was a great difference here. To spread the faith they had only one right: to preach it. To defend it, they possessed very extended rights, for those who have received it can lose it or corrupt it. If the Church did not have the power to force the Indians to receive the Faith, she did have the right to constrain them, after

baptism, to preserve it. Before baptism they were not subjects of the Church.

Sepulveda had used as an argument a comparison of St. Augustine's of the crazy man who hates the doctor who takes care of him, to prove that the soldiers ought to subdue the idol worshippers and prepare the way for missionaries, so that these, in their turn, can "act with the gentleness of apostles." The comparison was inexact, Las Casas pointed out, for the figure used by St. Augustine applied to heretics who might be subdued by force, being subjects of the Church. But how could the mildness of the missionaries convince the heathen who had been harried and driven to despair by the massacres and thefts and other violences committed by the soldiers? The Indians would have been won sooner by a pacific conquest; they had only taken arms to defend themselves against the violences and exactions of the conquerors.

The Christian way which the Kings ought to follow would be peaceful, pleasant, loving, and religious, winning souls and the hearts of people by love and good and useful works. The messengers who presented themselves in such fashion would be received, added Las Casas, as one could tell from experience, with open arms and with singing and dancing.

If the Doctor contested such evident truths, it was because he was led to do so by perverse intention and fraudulent zeal. He had succeeded in reviving ancient heresies, such as that affirming that the civil, temporal authority was founded on faith and grace, and that idol-worshippers deserved to be deprived of their liberties and all their rights. This heresy had its origin in the primitive church and it had appeared again, now, in Luther.

The war against the Indians had been commanded then neither by the Church, nor by the Pope, nor by the King. And so it was illegal, tyrannical, infamous, and by it more wrong had been committed against God than ever the Turks and Moors had done in subduing Christians. Certain of these wrongs were irreparable, but the authors of them ought to weep for their sins and be condemned to make a restoration *in solidum*. And the Doctor Sepulveda who approved of them and sustained them ought to be condemned *in solidum* with them. For it was false to affirm, as he did, that the Kings of Castile had ordered this war. They had never had that intention, and if any of their instructions had appeared to give reason for such an interpretation, it was by accident, and because of the deformed nature of the false reports that had been made to them.

And when they had been informed, they had revoked and amended. If this were not done, the King himself would commit mortal sin, and would be held to restitution *in solidum*.

Had Sepulveda brought creditable witnesses in support of his thesis? No. Both the universities of Salamanca and Alcala had condemned as pernicious and unsound his book "which he wished to have read from the pulpit like Holy Scripture." The Royal Councils had forbidden its publication, the four or five times he had asked for their permission, and it was great temerity on his part to have it published in Rome, for he must have deceived, in order to gain his end, those who had authorized it, and if the Pope's vicar, the master of the palace, and all those whose approval he boasted of having, had known of the falsity and noxious quality of it, they would not have aided him.

Everything he said was contrary to the truth. He had slandered the Spaniards even, in saying that they would not go to the Indies except for gold, to conquer, and to enslave. Many of them desired only to cultivate fertile lands, and the missionaries, especially, were not guided by the desire for lucre. How many had suffered and were dead in the task of converting the natives, a task made difficult by

the soldiers, who had hindered more than they had helped! The priests had never been maltreated by the Indians when they could be differentiated from the cruel and perverse men who accompanied them.

In point of fact the Doctor was mistaken, and all that he had affirmed was drawn from false reports and lying allegations. From a legal standpoint his doctrine was not more valuable, for he had inverted the order of things in making the means the end and the accessory the principal. What sensible man of good faith would not recognize the fact that the essential thing was the preaching of the faith and the growth of the Church, and the accessory the temporal gains that the Doctor regarded as the principal thing? He pretended also that the right of the King was founded on force of arms and physical force, and that the expenses of conversion ought to be met by the Indians, which was false, and contrary to the instructions from the Pope.

"It is gold, you say," cried Las Casas in finishing, "which attracts the Spaniards to the Indies! I know very well that it is not the glory of God, not religious zeal, nor desire to succor and help their neighbors, nor to serve the King, but simply and only greediness and ambition."

And as Sepulveda had accused him at the end of his thesis of "closing the doors of justification"—"I close the doors," he replied, "to false and vain titles. I open them to legal reasons, solid, strong, and true, Catholic, and really Christian."

XII

The Last Years

The result of the controversies at Valladolid was a triumph for Las Casas. They had given him the opportunity once again to make known the miserable situation of the Indians and to explain the legal, theological and moral principles on which he based their defense. Following this debate, Charles V took several steps favorable to the natives, forbade slavery anew, checked the excesses of the encomenderos and diminished their powers. It is one of the most remarkable things of this astonishing history, and one that gives us a high opinion of the Spanish sovereigns, that the Protector of the Indians always won his case with the Catholic Monarchy, in spite of the intrigues of the conquerors and those of the Court. Far from irritating the Emperor, his arguments had enlightened him as to his duties and his rights. He regarded as of providential grace the discovery and the concession of a new continent where all the vast resources of

nature were found, which God had confided to him to administer and evangelize in His name, and which all the other nations envied him.

Fray Bartolomé was in the days of his decline. Was he satisfied? Would he be content to rest a little before his death? His mind reviewed the unforgettable scenes of savagery he had witnessed, men devoured by dogs, children thrown into fires, villages destroyed, roads strewn with the bodies of the dead, families who died of hunger in the devastated regions, chain-gangs of slaves in which the stragglers were cut down. Indians had died by hundreds in the mines, and the porters by millions along the roads; there was no comparing these methodical hecatombs with the few victims offered up on the altars of Quetzalcoatl. He thought of the natives who, despairing, had killed their families and committed suicide at the approach of the Christians. No, there was to be no peace for him.

The measures taken by the Emperor would still be insufficient. Too many cares obsessed the sovereign for him to watch over the enforcement of his ordinances. Besides, was not everything going well over there? According to the reports of the governors and inspectors marvellous order reigned among the Spaniards and Indians; the encomenderos were peace-

fully obeying the regulations, the Indians enjoying the greatest liberty. Las Casas received less optimistic news. The clergy of America informed him that the new laws had produced some effect at first, but whenever surveillance was relaxed, the same excesses reappeared as of old.

Recently, in Guatemala, a Franciscan religious had reprimanded a Spaniard and had threatened him with God and the courts, and the monk had been given two hours to quit the country under pain of death. In Peru the situation of the Indians, victims of the Conquest and the civil wars, was desperate. Rebellions followed each other there without let-up; the revolts of the officers who wished to declare themselves independent of other command brought about a troubled state of which the Indians were always the victims. Their fields were devastated, their houses burned, and they were impressed in the rival armies, to carry packs or to fight the opposing soldiers.

Five years after the Assembly of Valladolid, and the promulgation of the new laws, the same abuses were making America desolate, and Las Casas had to intervene again in favor of his "children." There remains a letter which he wrote at this period to his friend,

Don Bartolomé Carranza de Miranda, who was then in England with King Philip. He charged this priest, who was very shortly to become Archbishop of Toledo, to inform the monarch of the events that were taking place in the New World. He begged him to recall to the King that the colonial affairs were of very great importance, as much so from the point of view of national interest, economic and financial, as from that of saving their souls. If the sovereign let himself be deceived again by the treacherous and badly informed men about him, the evil counsellors interested themselves in the excesses from which the Indians suffered, he would be hindered always in finding out the truth.

One feels in this letter the sadness of the great Bishop who, weakened now by old age and infirmities, was obliged to confide to another the mission of fighting for those for whom he had fought all of his life. Las Casas was ninety-one years old, almost paralysed, and desolate at not being able to go to England to inform the King of the true situation in the Indies. It is profoundly moving, this letter of the old man who felt his strength going and who asked himself constantly: who will defend them when I am dead? This anguish may be read in every phrase, and also the

desire that others might come as champions of the innocent and oppressed. He knew that Miranda was a generous and prudent man, that the Court listened to him, and that he could bring some help to the cause of the Indians. Let him intervene then in his place, and instruct Philip in the way his orders were obeyed!

Las Casas explained his recommendations in detail. It was first necessary to remind the King that more than twenty millions of Indians had been slain and their caciques reduced to slavery, then to insist that if there must be a choice between the temporal and spiritual well being of the Indians and that of the Spaniards, one must prefer that of the former, for "the lost sheep are the most precious." He was to say further that the opulence and brutality of the encomenderos had alienated the Indians from religion, and that the wives of these gentlemen were as cruel as they and that they too had applied themselves to making martyrs of their slaves. And —let Miranda keep the King's attention on this point—there was only one way of stopping the abuses of the conquerors, and that was to set the Indians at liberty, to restore to them the wealth of which they had been so unjustly despoiled, and to re-establish their

natural rulers in their sovereignties. "It is necessary to deliver these nations," he insisted, "no matter what damage it does to the King of Spain, or at what expense to the life and most precious interests of the Spaniards who have condemned themselves by their wickedness."

The King was probably badly informed of what was taking place in Peru, and so it was essential that Miranda show him the devastation that was a result of the wars of the governors. It would be easy to bring about a reign of order in this country: five hundred men as police would suffice to assure it, on the condition that the Spaniards who were not a part of this regiment be disarmed, and the possession of an arquebuse be forbidden absolutely to any others whatsoever. One then would see few revolts and uprisings among the conquerors.

The last years of Las Casas were occupied with his efforts to aid the re-establishment of order in Peru. In 1564 he wrote his last work, the "Consideration of the rights and obligations of the Conquerors in Peru." He studied the questions of national wealth and private property among the Incas, the succession to the throne, the treasures found in the tombs and in the temples, etc. . . . In this book may

be found the same asceticism of thought, the same rigid reasoning that was characteristic of his earlier works. The old age that had reduced his body to inaction had not diminished his intelligence nor his knowledge.

Two years later he fell seriously ill in a convent near Madrid, and after a few days of atrocious pain he died, in his ninety-third year.

When the Indians learned of his death, extreme sorrow was felt throughout the New World. These unfortunate people wept as for a father at the passing of the man who had consecrated his whole life to the protection from their helplessness. Public mourning accompanied by funereal solemnity and piercing lamentations saluted the departure of the former conqueror who had thrown down his arms to take up the peaceful weapons of preaching and kindliness. How much greater than the dreams he had had when he embarked in the ship of Columbus was the adventure of struggling against all the forces of hatred and cupidity.

His death did not disarm the anger of his enemies. He had not attacked Spain, but only those Spaniards who were guilty of atrocities; he had always taken care to distinguish between the guilty and the innocent. However,

the nation believed itself indicted as a whole. Clumsy politics which tended to make a whole country responsible for the crimes of a few. This generalization, which the Bishop of Chiapa had never wished to make, the imprudent anger of the historians established. And so one may come across historians, even of our own day, who repeat the complaints which Sepulveda and the governors murmured in the ears of the King, presenting Las Casas as unpatriotic, a traitor because he preferred the honor and spiritual interests of his country above the material advantages to be obtained from slavery.

The renown of the Father of the Indians so warped and deformed is almost shrouded in oblivion. He had enunciated truths which men did not like to recall; he had borne witness to the rigorous requirements of the Gospel. The noise of the conquerors swallowed up his voice.

Nevertheless he does not put a shadow on the glory that was Spain. He is himself one of the brightest rays of that glory. All that there is of courage and magnificence, of chivalry and adventuresomeness, of traditional austerity and audacious pioneering in the Spanish temperament is found in him; he resembles in his personal history the great spirit of the Catholic epic which is at the heart of the his-

tory of his nation, and it is with good right that the Spanish people can claim him as one of their heroes.

The evils he denounced were only too real. His sincerity is too manifest, his love of truth too ardent, for one to think that he exaggerated, much as one would like to think that for the honor of the human race. Historians, Humboldt, for instance, have doubted the exactness of his statistics: would one have preferred him to have made an official census of the slaughtered Indians? It is clear that he did not have the means at hand for scientific verification, and that he could only speak within the limits of general approximates. Within these limits the figures of Las Casas have kept a value extraordinarily significant, and furthermore, concerning destruction as formidable—for the fact of the extermination of the Indian race remains obvious—no rectification of detail would change the vastness of the evil done. Further, his numerous enemies would not have let him escape if they had been able to catch him in any inaccuracy, and nothing like that happened; Vargas Machuca put himself to great pains to dispute various distances about which they disagreed in a matter of some dozen leagues. And above all Las Casas had the terrible authority of the

eye-witness. He relied rarely on that told him by another. Unless he had his information from monks whom he knew, and respected for their intelligence, prudence, and moderation, he seldom used information outside of his own experience. A method opposed to that of most of the historians and chroniclers of his time. Some of them wrote in the quiet of their studies volumes of accounts that had been told them. Others had shared in the events they related, and were too directly interested to bring to their accounts the necessary independence and impartiality. That is very apparent in the book of Bernal Diaz del Castillo, for example, and more especially so in the *Refutation* of Vargas Machuca. As for others, it is also the fault of Herrera, who accepted too easily the details told him. It is very rare that one reads in the *History of the Indies* of Las Casas or in his *Account of the Destruction of the Indies,* the words "I learn that," or still more rarely "I am told that. . . ." Fray Bartolomé ordinarily presents only the facts which he knew by personal experience, or those of which he had seen the consequences. He had never neglected an opportunity to inform himself. Whenever anyone informed him of an unjust governor or a cruel encomendero, he travelled to the province in question and

examined the victims and the witnesses. Often he found nothing but a village in ashes, piles of bodies, the dead who were strewn along the road that had been taken by the chain-gang of porters. On his numberless journeys he had seen regions, formerly happy and thickly populated, devastated and deserted. He had seen the departure of boat-loads of slaves half of whom would die on the voyage. Sometimes he came across villages of the dead, in which the men had killed their families and committed suicide rather than be taken alive by those they feared as demons.

At each instant of his recital one discovers the frightful picture which returns all at once to his memory, terrible and desolating. One must not forget that Las Casas went to America as a youth, and that he passed his long life there, with the exception of a few journeys to Spain. What spectacles had he not seen? When he described the atrocities of the conquerors he added frequently: "To tell all that was done in these provinces would be difficult to tell and impossible to tell, and painful to listen to"; and again: "Of all these horrors one could make a thick book that would terrify the world."

But it would be a great injustice, as we have already remarked, to charge Spain alone with

sins which in other periods and under other forms the other nations have similarly committed, and which are in reality the deeds of the human race, in whatever climate it has lived. It is rather by their great men than by their herd instincts that peoples must be judged. And if it is true that "charity covers a multitude of sins" one must say that the heroic charity of a Las Casas brings honor enough to his country to outweigh the reproach merited by the cruelties of the conquerors.

In France the only occasion, we believe, of a public homage given to Las Casas was at a session of the Institut de France, the 22nd Floréal, year VIII. The Revolution had distinguished in him a "friend of humanity," and the Citizen Grégoire, former Bishop of Blois, saluted the memory of his precursor, the man of good. "Very few men," he wrote, "have had the advantage of filling a life as long as his with services as striking for his fellow-beings. The friends of religion, civilization, liberty and letters owe a tribute of respect to the memory of him whom Eguiara names the ornament of America, and who belonging to Spain by birth, and to France by origin, ought to be called by right the ornament of the two worlds."

Las Casas, in all truth, was not a precursor of the Encyclopedia; he belonged entirely to the Church. If he was detached by his exceptional gifts and his supreme stature from the rest of his brothers, the Spanish missionaries, one must not forget that he worked with them and among them, that he would not have been possible without them, and that his own work is definitely related to the common work of this admirable clergy. The activities of the clergy in America were extremely salutary. We have cited the names of bishops and priests who consecrated themselves generously to the instruction of the Indians, the building of monasteries, schools and hospitals. It is to the priests that we owe, oftentimes, the knowledge we have of the ancient Mexican civilization, and there were a few who were able, as was Sahagun, for example, to create a union between the conquerors and the Indians based on the recognition of their cultures, traditions, and arts. They learned the American dialects, composed dictionaries and grammars, selected books and inscriptions for translation and study. Las Casas did the same; their joy in hearing sermons in their own language was not among the least of the reasons for their obvious affection for him. And the veneration they had for him grew when they saw this

learned man patiently teaching children. From him flowed such energy of faith and love that his influence transcended his own personality, and many priests were joyously received by the natives simply because they wore the same habit as Las Casas. One must weigh the ardor and devotion of these peaceful missionaries, Dominican and Franciscan monks, as counterpoise to the ferocious brutality of the conquerors. It was from these latter that their chief difficulties came: it was against Christians that they had to struggle in order to convert the natives.

In itself the New World offered an extremely propitious territory for the preaching of the Faith, and it is certain that if the Conquest had been purely pacific, as the Pope and Queen Isabella had wished, and the religious orders, it would have encountered few obstacles. This was one of the favorite arguments of Las Casas. Send priests, he would ask, priests alone, without soldiers, and the Indians will do them no harm. He was never permitted to try out this experiment as completely as he wished, but one cannot doubt that the priests killed by the natives were more often the victims of the Spaniards than of the Indians.

The intelligence of Las Casas was the pure Catholic spirit. He never invoked anything

but the strictest principles of the Gospel, the doctrines of the Fathers, and their theology. He came at the period when scholasticism flourished anew at Salamanca, with his brothers the great Dominican doctors, Francisco de Vitoria, Domingo Soto, and Melchior Cano. It was the intellectual food of the Order of St. Dominic which nourished his thought. From this point of view he was in the domain of apostolic action what Vitoria was in the speculative domain; he presented a striking practical illustration of the highest doctrines of St. Thomas. No one was more "theocratic" than this enemy of despotism, no one farther from modern liberalism than this great worker for Christian justice. When he reminded the conquerors of respect for the human person, and forced them to restore property stolen from the Indians, when he asked for these unfortunates not only pity but justice first, when he proclaimed the equality of law for all men, when he maintained the sovereignty of the caciques in the face of the empire of the King of Spain, it was as a priest, as a theologian, as a canonist that he acted. He had found a way of being a revolutionist in the strength of fidelity. He had foreseen the great problems of modern international law, and the great problems of civilization which impose

themselves upon us, and he resolved them in a manner that appears to us of the boldest and most original, when he dealt with the questions concerning sovereignty, or those which took up the relations of diverse cultures with the Christian apostolate, or those which dealt with the rights of colonization, and the mandate which Christian nations had to exercise in regard to the others, which in our times has been called the right of self-determination of peoples. In his activity and in his teachings, a picture of all the aspirations which assail our conscience is presented, but cleared of all the ideology to which we are accustomed, formulated as a function of the system of ideas which governed medieval civilization. In Las Casas it is all the heroic and theological thought of the Middle Ages that we see erected in the face of the modern world then just born. And until the present time this world has been constrained to resolve in the most brutal way the questions perceived by the great Dominican of the sixteenth century. In our more strangely complex situation perhaps we shall find it necessary to retrieve under different forms, the principles of solution that stirred him, and to recognize that the first duty and the first interest of nations is to make spiritual obligations prevail over immediate material gains.

THE TREATISES OF LAS CASAS

I

The Treatise on the Empire of the King of Spain in the Indies

The "Treatise confirming the Sovereign Empire and Universal Princedom that the Kings of Castile and Léon possess over the Indies," printed at Seville in January, 1553, brings to us the first elements of a legal discussion of great moment.

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itself, but to bring to pass the spiritual and supernatural end which is the final goal of human life, and in the measure in which this power is necessary to him to guide men along the road of life eternal, in other words, *ad finem spiritualem.*

His power over the baptised faithful no Christian may doubt, since it is attested to by the words of Christ Himself. His authority over the infidels is less explicit, the doctors and canonists are not unanimous on this point, and there may still exist a few causes for doubt. However had not St. John said: "There is but one flock and one Shepherd"? In this case, to a certain extent, and at least *in potentia,* the infidels would be also a part of this one flock and so would follow the Pope, Vicar of Christ, the one Shepherd. He had inherited the power of Christ; this applies to the infidels as well as to the faithful, since, as St. Thomas says, "To Christ belongs the saving of all men, for He is the chief of all men." Two principles assure him of this power, according to the teaching of St. Thomas. The first is that "the virtue of Christ is sufficient to save every man in the world." The second: through the liberty and aptitude of free-will, all reasonable creatures are capable of attaining to the Catholic faith and the voice of truth. By the influence

of His grace, He becomes their chief *in actu.*

Divine Providence takes care of all creatures, but particularly those who are predestined, and its principal function is to see above everything that nothing hinders their salvation. The action of Christ projects beyond the boundaries of Christian people, and extends throughout the universe. How will it touch the infidels?

Aquinas' "Summa" replies to us "that He inspires good thoughts, keeps them from doing evil, furnishes them occasions for conversion, and salvation, counsels them with good counsel." Influence rather than authority, perhaps one might say, since men are not really submitted to Christ until they recognize His law.

Nevertheless He possesses over them a certain power *in potentia et in habitu;* He is their Shepherd and their Chief through the creation, and in view of their redemption, their inner governing, their preparation to receive the Gospel.

Since the spiritual authority of Christ has been remitted to the car of the Pope, he will exercise it in His name. Its principal function will be to call men to the faith, to guide them and maintain them in the way of salvation, and through this to assure the diffusion of

Christian doctrine throughout the world. But so that the preaching of the Gospel may be made free, without obstacles, with the greatest chances for success, he must look out for the building of a temporal and social order favorable to this preaching.

The laws of the Church establish the relations of the Pope to the faithful; but what is to be the nature of the jurisdiction he possesses over the infidels? It can never be coercive. It will act on their spirits by instruction, invitation, prayer, persuasion, never by force. Those who will refuse to hear the preaching of the Word shall not be constrained, and their chastisement shall not be corporal nor temporal, but reserved to God in the world to come. Faith is an act of will which must operate freely, and on which neither force nor fear must be brought to bear. To employ one or the other would be to contravene the laws of justice and reason.

All temporal things, all the secular states of the world are submitted to the power of the Pope in so far as he acts for their spiritual life and destiny. All the jurists, all the theologians are unanimous in declaring that this authority is of divine right, since the Pope received it in the title of Vicar of Christ. He could use it in regard to temporal matters to

bring them in harmony with spiritual ends, especially with regard to favoring the latter and suppressing the obstacles that oppose their triumph. To the support of his opinion Las Casas cites Guillaume Okam, the *De potestate regia* of Jean de Paris, and Antonio de Rosellio in his *De potestate imperatoris.*

He continues also on the perfection of the works of God, which when a power is conceded to anyone, concedes at the same time all the things necessary to its execution and its efficacy. St. Peter, having been chosen as Shepherd of all men, had received the force and power necessary for the accomplishment of his mission. For, as St. Thomas teaches, God gives to those whom He destines for a purpose the qualities and conditions useful to its exercise. The Pope had then received the powers and perfections necessary for action in the temporal matters which could serve or jeopardize salvation.

Is not the principal end to guide men toward eternal truth? According to their relation to this end, the Pope may dispose of all temporal things, no matter how great or how important they may be. He may watch over the use that is made of them, constraining to good usage, forbidding abuse and sinful use in so much as these may harm the spiritual

ends of human life. In support of this thesis, Las Casas finds an authority particularly clear in St. Bernard, who developed this subject at length in the first book of his *De consideratione ad Papam Eugenium.*

There exists still another reason, this one of purely legal nature. It is that the accessory always follows the principal. Therefore, the spiritual power being the principal, the temporal is accessory to it, of necessity. What are the essential things in life? The virtues, wisdom, justice. Material things must serve these as the accessory serves the principal.

This power over temporal matters, by reason of spiritual interests, applies in the same way to infidels and the faithful. It applies equally to the property and the states of these former, and in his role of spiritual head the Pope may take part in their external acts. He will take especial care and be particularly solicitous since the infidels are Christ's heritage that His Eternal Father confided to him for His suffering and pains. This power delegated to St. Peter will re-enter the domain of pastoral acts, in so far as he can aid or prejudice salvation. It is in view of this end that his rights are limited. He could not, for example, usurp the attributes of civil justice. His action will be exercised within the order

and limits of what is necessary for the salvation of humanity. For that is the only *raison d'être* of the power given to St. Peter and his successors, which is to aid all men to reach the heavenly kingdom.

But temporal property will escape from the control of the authority of the Pope always when it has no direct bearing on the spiritual end that is to be achieved. And if that is true in so far as the wealth of Christians is concerned, this restriction will apply with stronger reason to the property of the infidels.

In consequence, one should not guide both Christians and infidels in the same way on the road to salvation, for the former are in the Church and the others are without. Christians are submitted to the laws and ecclesiastic rulings, but the infidels escape them. And so one must perforce attract them by kindness, good example, and good treatment.

Here Las Casas compares the work of the Pope to that of the doctor who aids health and destroys the cause of sickness. His rôle might be summarized in a few words in this manner: He ought to do all that he can to aid the good, and to hinder all that might be evil.

In this the relations of Pope and kings are of the utmost importance. As Fray Francisco de Vitoria shows in his book, *De potestate*

ecclesiastica, and Fray Domingo de Soto, and the jurist Pedro Betrardo, author of *De origine juridictionum,* show, the power of the infidel princes is legitimate, founded in natural right; the Pope, however, may, by sentence of justice, limit the exercise of their right, and even deprive them of it, as far as the spiritual needs require it.

It is natural, in fact, that, charged with converting humanity, he possess sufficient power to do away with the obstacles which hinder conversion. If he had no authority over infidel kings, this he would not be able to do. It would really be absurd to suppose this, for divine liberality gives to each that which he has need of. He has received, by divine precept, the mandate for judging and punishing the infidels. As judge, he may restrain those who oppose the exercise of his jurisdiction and the acts within his function, particularly when they oppose the preaching of the Christian faith. As Jesus redeemed sinners by His death, it is to His Church, the heir and successor to His work, that He confides the working of this redemption. Is not the best means of bringing this about the sending of missionaries to convert the infidels? But if one were to admit that pagan kings could freely oppose their preaching, the preaching would never be

done, the mission of Christ would never be accomplished, for "the portal of the faith is the hearing." It is important then that in any case the subjects be not hindered by their sovereign in their instruction. If this occurred, the Pope could take action against the monarch hostile to the preaching of the Gospel, and depose him. St. Augustine sustains an analogous opinion in his treatise on free-will.

On the other hand, it is essential not to deprive a nation, without necessity, of the natural right to have its own sovereign. That is the essential privilege of free peoples, and, if it is just, in general, for people to submit to the State, and that private interest be ceded to the public interest, it is natural also for these subjects to choose the form of government agreeable to them, and, for a stronger reason, to be free to accede to the true religion which will save them. All intervention of the sovereign against the true religion is unlawful.

As Aristotle explains in his *Ethics,* every office of prince or regent, spiritual or temporal, over a free people, is ordained as a function of good for the people over whom he reigns. The greatest good is, incontestably, accession to the Church of Christ. And in case the private interest of the sovereign should

oppose the general interests of his subjects, all the Christian and pagan jurists agree that the former should give way.

No temporal authority can be compared to the spiritual might of the Pope, for it alone reigns over all the people of the earth. The power of emperor or king stops at the frontiers of the empire or kingdom, all earthly power being limited, but the Church universal has no limit, neither frontier nor boundary, and its minister, the Pope, is the greatest monarch in the universe.

However, even the extent of his might and of his functions is such that he cannot do without ministers to whom he is obliged to delegate a part of his powers. Some, furnished with spiritual authority, become bishops and priests, but there are others whose duty it is to intervene in the exercise of temporal matters, more or less directly related to the affairs of the spirit. These are the masters of the temporal, the kings, the emperors, whose cooperation is indispensable for the accomplishment of the ends of the Church, principally the conversion of the pagans.

In virtue of this necessary collaboration between the civil authority and the Holy See, the kings receive from the Pope certain missions which admit of duties and advantages.

It is thus, writes Las Casas, that "lawfully" and justly the Roman Pontiff is able to distribute and divide among the Christian kings whom it pleases him to choose the parts of the earth owned by infidels, in giving, conceding, or committing to each one the provinces which seem agreeable to him, and differently according to the diversity of the infidels. And, consequently, the other Christian kings to whom he has given nothing, have nothing to say concerning this distribution.

From that derives, as we have seen in the Thirty Propositions, the only title which has authorized the King of Spain to conquer America. But here Las Casas examines the question in its general range, not in its particular application. He studies the value which it might have from the point of view of civil and canon law, the precedents which one encounters in history, the divers applications of the principle. Before coming to the study of the special situation of Spain and its relation to the Indians, he places the debate in the realm of the abstract, and disengages the laws particularly applicable to the case in point.

Having established that the first duty of the Pope is the conversion of the infidels, he recognizes that this immense task cannot be accomplished by the Pope alone. He needs "capable

and agreeable" helpers. Those who can aid him effectively by their might, their prestige, their wealth, are, naturally, the Christian princes. When He commanded His apostles to evangelize the whole earth, Jesus Christ confided to them a considerable mission. In fact, "it was essential, in order to convert them, to discover countries, to observe and study nations, to succor a thousand needs." And what qualities are necessary to bring this enterprise to good account if not wisdom, prudence, courage, action, wealth? These qualities he will find in the puissant kings who alone possess the means of discovering unknown lands where the word of Christ has never before been carried. But to prevent these new lands from becoming objects of competition and strife, he will dispose of them at the beginning, in every way as an individual may dispose of his personal property.

One finds, moreover, frequent applications of this right in history. The Holy See had formerly given the Kingdom of Jerusalem to Charlemagne. Later it had divided Africa between the Kings of Spain and Portugal, a division by virtue of which the latter had received Ethiopia and the regions called Portuguese India. It is by virtue of the same prin-

ciple that today he had given the New World to the King of Spain.

It is better to note certain differences which exist between these divers concessions. The Kingdoms of Jerusalem and Africa were tyrannically governed by infidel Moors and Turks, enemies of Christianity, and they were also usurpers. But as usurpation did not do away with the rights of original ownership, if there had been Christian kings who had possessed them, or successors who could have established claims to their heritages, the Pope would have had to restore them to these. As far as the heretic kingdoms are concerned, one could regard them as vacant, and consequently, the Holy See can concede them to Catholic sovereigns, and charge these with exterminating heresy, by war if need be, if it can be done without too great harm. But he must act differently when he finds himself faced by the enemies of Christianity than when he is confronted with infidels who know nothing of it and do not offend against it. One considers as enemies of the Church those who have taken possession of Christian kingdoms. Balde and Barthole recognize that the Holy See has not only the right to snatch them from their hands, but find it its duty. By war, if

necessary, to obtain the restoration of usurped lands and reparation for violences committed by them during the course of their usurpation, but also to prevent them from corrupting their Christian neighbors, to disarm them, to make them inoffensive, and to oblige them to recognize the authority of the Church. These causes give to war a just character, and make us approve of those who undertake it, provided that the good that will result from it will not be inferior to the evils war will certainly give rise to.

But these reasons lose their value when they are concerned with lands belonging to infidels who have never known the Christian faith. As a matter of fact they have remained at home, and are not usurping Spanish lands; they have inflicted no harm nor injury on Spaniards, and they are not a menace to them, they have not committed evil and they live so far from Christian kingdoms that there is no risk of their contaminating them with their idolatry. In this case there exists no legitimate cause for using force. One ought to reach them by preaching, to incline them towards conversion, and to act in all circumstances for their spiritual and temporal well-being. All violence, all war, even outside its illicit and brutal character, would inevitably prejudice this conver-

sion. So that they may be disposed to receive us peacefully and to listen to our teaching, it is essential that we go among them as men of peace, respecting their persons, their liberty, and their goods.

If the sovereign who rules over an infidel people hinders the preaching of the faith, and tyrannizes over either the preachers or their audiences, he ought to be deprived of his power, without his successors losing their kingdom or their dignities, in whatever mode the people are used to in government, whether the son succeed his father, or whether it belong to the nation to elect a new sovereign. In the case of hereditary succession, the right of the son is an absolute right and a right of the public. Such could not be deprived of their heritage except for the crimes of heresy and *lèse-majesté* as prescribed in the civil laws and canonical regulations. When the sovereign's is an elective office, and the people have the privilege of choosing their ruler, it is necessary to conserve that privilege, unless the sins of the people are so grave as to warrant their losing it. One finds frequently in Christendom the manifestation of this right of election, particularly in the designation of bishops by the clergy, then approved by the people. To deprive infidels of this right would be to go

counter to laws natural and divine and to commit a serious injustice.

The deposition of infidel princes ought not to be decided upon unless it is absolutely indispensable to the conversion of their subjects. In spite of what numerous Spanish doctors pretend "who write defamatory libels against innocents and deceive the King in a very serious and very dangerous way," no one may, without legitimate cause, deprive anyone of that which belongs to him. And powerful reasons are necessary for that, and cases of extreme necessity. The infidels, whether princes or subjects, hold their property according to natural law, the right of men and divine right, which cannot be violated either by the Pope or by any prince, spiritual or temporal, however puissant he may be. It is God Himself who, in the fact of Creation, has given to each man, in each country, that which is becoming to his nature and his needs. It is He who has created States and dignities, for it is natural that man should live in society in cities, villages, and kingdoms, since the isolated individual cannot procure the necessaries of life; just as for all society a government is necessary which will be for it what the head and heart are to the human body, as St. Thomas has said. This absolute right the faithful and the infidels pos-

sess equally, since natural law is common to all men. Equally natural and legitimate are their governments also.

But it is not natural law which alone gives value to their governments. The law of nations, too, gives standing to the same principles, this law which is reasonable use, and represents the *ensemble* of the laws which regulate the welfare and usefulness of societies. By it men live in order and in peace, subjects are submitted to kings so that liberty of each individual may be respected and his property safeguarded. It is confirmed by the Gospel which says "Render unto Caesar the things that are Caesar's," in conformity with, besides, this precept that all power comes from God, and remains conceded by Him. That is true as much for the infidel kings as for the Christians. To resist them is to resist the order established by God, and to commit a mortal sin. But this doctrine, conforming however to the will divine, is sometimes combated by men whom error blinds and who defend a contrary opinion. Las Casas shows their error: "Those who say that Christ in coming to the world has, *ipso jure,* deprived the infidels of all authority, independence, sovereignty, and jurisdiction, talk in absurdities contrary to reason, unworthy even of the

intelligence of peasants, scandalous, infamous, and not deserving of the name of Christian. They bear false witness against Jesus whom they dishonor. There is no greater obstacle to the preaching of the Gospel. If Christ came to bring justice for all, He could not despoil men of their natural law. With this impious and detestable opinion they make the Church a liar, they are guilty of heresy and sacrilege, and those who maintain it should be burned at stake, for it is contrary to Scripture and the Doctrine of the Church."

Catholic verity is entirely different. Infidelity and mortal sin do not destroy the property that men hold by natural law. They lose only the benefits of the grace which God withdraws from them, but not the natural benefits. With the exception of course of the heretics and apostates who have belonged to the Church and who have withdrawn from it. "God does not deprive the wicked of sun nor of water." And even the devils themselves, as St. Denys affirms in his book, *De divinis nominibus,* are not by God despoiled of their natural blessings. Who is the man who will dare to show himself more severe to his fellowmen than God is to the fallen angels? Neither infidelity nor mortal sin destroy the natural order which prescribes the obedience of sub-

jects to their kings. We have on this subject the authority also of the Holy Scripture, which, Las Casas says, "speaks neither idly nor in vain," and which recognizes as kings idolaters and infidels. At certain epochs the kings of Israel were idolaters, as were Saul and Solomon, but they were not, however, deprived of their prerogatives.

One may not, without sin, deprive kings or individuals of their rights, unless there is legitimate and reasonable cause. This prohibition extends to all their goods, honors, dignities, jurisdictions, seigneuries, general, public, common or particular rights, on the condition that they do not usurp Christian lands. One must respect also their active or passive right of election, if that does not carry danger to the propagation of the faith, for that is the essential goal, and it is in the province of the Sovereign Pontiff to do everything necessary to assure it and extend it.

The principal inference of this explanation is that the Pope in exercising his power in the temporal domain as far as necessary to secure its co-operation in the propagation of the faith, has created, by apostolic concession and gift, a very legitimate title to the occupation of America by the Kings of Castile and Léon.

It was necessary for the Pope to invest his

mandatory with a temporal power, for he would have need of bringing about order, defending it, of threatening, and of holding it in check, and in general, of overcoming all the obstacles which should oppose themselves to the conversion of the people. It is necessary that the mandatory be a public person and not a private individual, so that he might have a jurisdiction, a supreme authority, and effective power. For he will have to watch over many and divers things, such as the discovery and exploration of unknown lands, the establishment of a Christian order, the promulgation of laws, the approval of and maintenance of good customs already in force, and the suppression of bad ones. He will have to enter into relations with the powerful kings and lords and treat them as his equals. To assure the continuity of his work, his power must be perpetual, for one can foresee that the work of conversion will progress slowly. The Indies alone are immense: "They have more than ten thousand leagues of coast-line" and they are only a part of the unknown world which remains to be discovered. Perpetuity of power is indispensable to assure to religion a solid basis and deep roots.

But according to their power, the kings will use their riches to realize the discovery and

conversion of the infidels, and all that cannot be done except at great expense. It will be then perfectly legitimate for them to receive some advantages from the countries submitted to their empire and their obedience to the Holy See as just remuneration. The king who governs well, it is true, acquires the honor and veneration of his subjects, but it is in conformity with natural law that he who works for the common good receives from it some benefit. And it is a hard task that Pope Alexander VI imposed on the King of Castile, a very laborious and dangerous mission, which entails heavy labor and constant vigilance to defend the new countries from the enemies who would like to seize them.

Why has the Pope chosen the King of Spain for his minister, from among all the Christian princes? Las Casas enumerates several reasons. The first is that the monarchs of Castile have had from their ancestors a very special zeal for the defence and increasing of the Faith. It is to them that one owes the restitution to Christ of the parts of Spain until recently occupied by the Moors. If the Church can be established in the Indies, it is due to the efforts and expenses of the Catholic monarchs, Ferdinand and Isabella, who paid the expenses of the expedition led by Colum-

bus, which resulted in the discovery of America. It is just, then, that the Pope confide these lands to the Spaniards, since they were the first to discover them.

Another reason resides in the traditional preëminence of the Roman Empire. This preference which the Church has always shown towards the Roman Empire finds numerous proofs in history. Pope Leo III, for example, deprived the Greeks of imperial dignity because they were incapable of defending Christianity, to give it to Charlemagne, and it was Pope Gregory, who, succeeding in wresting the supreme Crown from the Orientals, ordered that the election of the Emperor be made by seven German princes. The authority of the Pope in this matter is of divine law—St. Thomas cites the *Tu es Petrus*,—and of natural law, for the Pope being the head, all the sentiments and movements descend to him in the mystic body. That is why the popes retain the privilege of anointing kings.

Since the Roman Empire had disappeared, it was necessary in its room to create in the New World, a new imperial dignity. If the Kings of Castile and Léon were chosen to receive it, it was because Jesus Christ had willed it so. The many blessings He had lavished on

them are striking proofs of His favor and His preference.

It is certain that the fact of giving an overlord to the natural kings of these American peoples, will constitute an injury to them, a diminution of their authority and their liberty, but this injury will find a great compensation in the gift which will be made to them of the Christian faith. Can one say even that their liberty will suffer? When the faults of their political system and their government are corrected, will not their liberty be greater? In giving them just laws conforming to the Christian religion, their original customs that are good will be conserved, and only the barbarous ones suppressed. The consequence of this change will be an enrichment of the public good, and if they are kept from committing sins, like the human sacrifices—which, however, are very rare—the advantages that they will reap will be greater than the injury.

If then princes may dispose of the wealth of their subjects according as public interest commands, the Pope may with still stronger reason, since he is the "prince of princes" watch with a special solicitude over the conservation of the public good, which is dear to him, that is to say, the spiritual matters, the

honor of God, the exaltation of the Faith and divine creed, the enriching of the Church, the conversion and care of souls. It is this public good that he must protect; and when a conflict arises between the spiritual interest and temporal matters, the spiritual must triumph. For, Las Casas writes, "the cause of the Lord is more important than the cause of the servants, and souls more precious than all the material wealth in the world."

The relations of the Pope and the infidel kings will be dominated in all circumstances by this care to make the spiritual triumph, and subordinate to it all temporal matters. The Pope can, whenever it shall prove necessary, restrain the powers of the infidel princes, but it will not be possible for him to suppress their authority, since it is of divine right and natural law; but he will be permitted to regulate it, limit it, in defense of spiritual interests, in so far as his intervention will serve that public good.

What will be the nature of the power of his mandatories? They will not be able, that is evident, to exceed the limits of authority resident in the giver of the mandate. The rules which defined the rights of the King of Castile, surrogate and legate of the Pope, will have to conform to the principles of civil law and may

not give to the monarch more power than that pertaining to the Pontiff. And the first inference from this fact is that he will not be able to exercise a contentious and coercive jurisdiction over the infidels until they shall have received baptism.

This duty imposed on the Kings by the Pope constitutes, in return, a right for them. The same divine authority distributes duties and rights. It invests with its force and power the sovereigns who become the instruments of the pontifical will; it creates, in favor of the Kings of Castile and Léon a "divine right" to the imperial power over the Indies, a right derived from the papal dignity which has received the charge of providing for all that is helpful or necessary to the Church. Jesus Christ has given for this end a power, an authority without limits, to the Pope who represents God on earth, and who can, consequently, use the same authority as God. And if it is true that the "surrogate rises to the nature of him to whom he is surrogate" the Pope finds himself placed by this eminent position above kings, whom he rules over as prelate and as judge.

The concession which he has made to the Kings of Castile, of sovereign empire over the Indies, is then perfectly legitimate; it is even

the only legitimate title which the Spaniards can invoke.

In placing the question in this domain of thought, Las Casas was replying victoriously to his enemies who reproached him with refusing all judicial value to the sovereignty of the King of Spain over America. The Bishop of Chiapa was showing them that not only was he not contesting the existence or the legality of this sovereignty, but that he especially recognized its noblest origin and its soundest. What was the value of all the vulgar arguments put forth by the most zealous defenders of the Court compared to this concession of divine source, supported by pontifical authority?

None of the causes commonly invoked could offer a sound and agreeable basis for the pretensions of the King of Spain. There is even a certain irony in the elegance with which Las Casas shows up these poor inventions in order to offer his sovereign the soundest argument. He abstracts the debate from the material concerns which excite the conquerors and courtiers, to place it on a spiritual and divine plane, and in doing so his thesis acquires more of force and grandeur.

What advantages will not the King of Spain receive in addition from this rôle which has

been assigned him? First, he has no need to fear any competition. The other Christian kings may not pursue commerce or trade in the Indies without a special licence from the Kings of Castile. Since the Pope had judged that a dispute over property or authority would weaken the power of his mandatory, and since he has reserved to him as compensation this commercial privilege, the monopoly which he had thus given constitutes from the economic point of view a considerable benefit. Las Casas discovers for this privilege undebatable reasons of legal order. He judges that the kings to whom pertain the conservation and defense of kingdoms may alone authorize foreigners to carry on trade within their borders. And if ever any jealous rival should decide to dispute possession of the Indies, he recalls that the Pope has forbidden it expressly under pain of excommunication, and that it would be a mortal sin to infringe that prohibition for any reason whatever.

After having defined in this manner the nature and origin of the Pontiff's concession which serves as title to the sovereign empire of the King of Spain over the New World, Las Casas studies the characteristics of the concession. It is neither simple nor absolute, but *sub modo,* that is to say, conditional. The Pope

cannot, without legitimate reason, meddle with the affairs of the faithful, less still with those of unbelievers. The reason which in this case gives him the power of intervention is the necessity of introducing the Catholic faith in newly discovered countries, and of sending missionaries and watching over the conversion of the natives. The Bishop of Chiapa then cites the terms of the papal bull which explains the rights and duties of the King of Spain, and comments on them and the causes which determined the Pope to accord this concession to the monarch. The very cause in which it was given demands that in receiving the imperial sovereignty over the Indies, the King of Spain leave to the native monarchs their rights of administration and jurisdiction. It was important to define the nature of the relations which were to be established between the native princes and their foreign overlord. In point of fact, this had been an absolute dispossession, which had driven the American rulers out of their palaces, and often their flights ended in their murders, masked or not by judicial formalities, and the murder of their families. Dwelling on the legal aspects of the matter, Las Casas examines the status which should have been established between the conqueror and his

American vassals. On that basis, it would not have been legal to deprive these of their wealth and privileges, for they had committed no fault, and their authority was of natural law, confirmed by evangelical law. If the pontifical bull established over them an overlord, it was of course in their own interest and if this gift carried within it a limitation of their powers, they were to suffer no harm thereby. He could not act, in any case, to suppress their authority, but could only restrain it in such measure as was necessary for the public good, that is to say, to assure the preaching of the Christian religion and the foundation of its creed.

To despoil the native kings of their power would constitute not only an injustice and a wrong, but also a grave political error, for one could not fail to see in this arbitrary act a violation of the principles which the Spaniards claimed to have.

In law and in fact, depriving the natives of their royal prerogatives is not permissible. The Pope himself can not order it, for he has received power to act *in aedificationem* and not *in destructionem*. He has the power to construct but not that to destroy. He may not, without legitimate reason, violate the natural arrangements which regulate the relations of the citizens to each other and assure the dis-

cipline within nations. All the canonists are unanimous in declaring that he may not, in justice, deprive believers or unbelievers of their wealth, estates or dignities, unless a major reason authorizes it; and, if he may dispose of dignities that are vacant and give them to persons of his own choice, he cannot, as we have seen, in the case of a prince who has made himself unworthy of power by any sin endangering the public good, suppress the dignities existent, or bestow them on others save those who are the legitimate heirs. To resume, it is within his power to concede new rights, but not to dispose arbitrarily of rights already established.

The apostolic letters were attached to define especially the relations of the Pope and the Kings of Spain. Certain jurists have wished to make an argument out of their silence on the subject of the relations to be established between the King of Spain and the native sovereigns to pretend that the Sovereign Pontiff was uninterested in this question and that he had tacitly authorized the dispossessing of the American monarchs. Las Casas replies to them that the papal bull has not examined this question because it went without saying that the rights acquired could not be violated, and that if the silence of its editor were to be con-

strued in another sense it would cause injustice; for "injustices are not born where justice itself is born." The papal bull has not specified that the sovereignty of the King of Spain was not to abolish the authority of the natives, because, for one thing, the affirmation of a truth so evident was pointless, and for another, the desired end—conversion—demanded solely the limitation of the power of the chieftains, if that were necessary, but not its abrogation. The injustice which would be the result, the hostility it would arouse against the representatives of the Christian religion suffice to convince those of good faith that the Pope never could have tacitly authorized such usurpation of power. Nothing, moreover, hinders these powers from co-existing, and it would be absurd to pretend that a superior authority destroys all other authority. Las Casas cites his examples from civil law and shows that the right of usufructuary and that of the proprietor exist collaterally, even as do those of private ownership and the power of the State. There are different sorts of authorities. Some are authorities *in singularibus,* others *in universitate.* Hierarchically subordinated, they are related to each other and do not injure each other, for they apply to different categories, and "the fact that Christ is King

of the World does not destroy the power of other kings."

It is the same in the different magistracies which have different degrees and objectives. The jurisdiction of the King and of the Emperor do not keep the lower jurisdictions from functioning; that of the Pope does not abolish those of the bishops. It is an analogous hierarchy which ought to be established in America, in which the native sovereigns would retain a right of inferior jurisdiction, and the King of Spain would reign over them as Emperor, supreme and sovereign. On condition, naturally, that the native kings receive baptism, an act by which the relations desired by the Pope would be established between conqueror and unbeliever, and which would give to the sovereignty of the former its spiritual value.

For the temporal power receives from the spiritual authority all its significance. Las Casas recalls, in support of this principle, that the custom of anointing kings gives them the approbation and confirmation of the Sovereign Pontiff, and that this consecration, to use the phrase of Hugues de Saint-Victor, "makes them kings."

The respect for native sovereigns extends also to the rights of their heirs, and in the

country where the throne is not hereditary, but elective, to the rights of the electors. With his magnificent amplitude of principle, Las Casas defends at the same time the prerogatives of divine right and those of the electorate. For, to him, all power comes from God, and its value does not depend on the mode of succession of rulers.

The study of the foundations which supported the domination of the King of Spain was of very great importance, since the acts of the conquerors and officers of the King possessed no legal value if they exceeded the powers pertaining to the King himself. The Bishop of Chiapa examined with the greatest care the different aspects of the problem at his hand, in the juristic realm as well as on the theological plane and in the field of fact. The relations of conqueror and subject thus led him to sketch a general theory of authority and ownership. Based on the precepts of civil and canon law this theory affirmed boldly that in regard to natural laws, believers and unbelievers possessed the same rights and the same duties. A principle that the necessities of "colonization" are wont to forget even in our own time, when apparent equalities cover the greatest injustices. And that must have irritated the Spaniards even more than all the

protestations established in charity and humanity. Las Casas does not ask pity for the Indians; he demands justice, and to obtain that he shows that their rights exist and that these rights are violated every day. Right of the sovereign to administer his kingdom freely, right of the individuals to retain their wealth and their independence. And he claims for the Indians the authority and the property others would deprive them of.

Authority appertains to every man, believer or infidel, by divine justice, natural law, and law of nations. It is divine justice, in fact, which has made man, created in the image of God, to receive power over the animals and all things, as taught in Genesis. And that is why Deuteronomy forbids man to worship the sun, the moon, and the stars, for they were created to serve man. Divine wisdom and providence created everything for the use of man, and thus was instituted his natural right over these things. And as Aristotle wrote: *Possessio rerum exteriorum est hominis justa et naturalis.* The law of nations confirmed the ownership of inferior things which pertained to man, and it is to do an act of justice to render unto each man that which is his.

For God did not distinguish between be-

lievers and infidels when he accorded to men ownership of things. "This distinction which He did not make is not for us to make," and consequently Spaniards ought to consider the property rights of the infidels as legitimate and respect them as they do those of Christians. It is then forbidden to disturb them in the enjoyment of their possessions, whether by the illegal use of public power to act contrary to justice and violate the divine and natural order, or by dissimulation, or by violence, which are equally contrary to justice. The same principles which regulate the use of property determine the use of authority. The power which a man exercises over other men to judge them and govern them is itself founded on natural law and the law of nations. In effect, it is nature which has made man a social animal in not giving to the individual all that is necessary to him for maintaining life. By that she had created him dependent on his fellowmen and made life in society indispensable. And all society implies government of some sort. Even as the head and heart command the members of the body, a ruler is necessary for social organization, to watch over the common good. Nature herself, as Aristotle has said, had provided for this state

in giving to certain individuals the talents of chieftains, and to others the natures of servants and subjects.

Since this distinction exists among the most primitive peoples, it is not a matter of astonishment that one finds jurisdictions and powers among the infidels. Every man, believer or infidel, is a reasoning and social animal, and the kings they provide themselves with have the same powers. And so among the Indians, there are rulers called *caciques* or *tatoans* who are veritable sovereigns and who rule, governing the communities in the general interest.

Based on natural law and the law of nations on the primordial necessities of society, the authority of the kings must be respected, or society disintegrates and destroys itself. No one may, then, without legitimate cause, withdraw from them the power they exercise over their subjects, usurp their functions, or hinder their exercise of them. This would be to act unjustly not only in respect to the rulers, but also their subjects to whose interest it is to have a sovereign of their own, a king who would be of their race and of their country.

There exists another great principle which is the indispensable corollary of authority and ownership: liberty. After having demonstrated the right of all men to possession and

to have leaders, Las Casas sustains their right to liberty. For him, every man, every thing, every land, every jurisdiction, every government considered abstractly or in its relationship to man is considered free until the contrary is proved. All reasoning creatures are born free. Liberty is necessary since it conforms to the nature of man and to his end. Man is presumed independent and the contrary must be proved. If there are individuals who are slaves it is by accident and in opposition to the ordinances of nature. Peoples are free as well as individuals, without distinction of race or religion, since liberty is natural and common to all beings. They may then give themselves leaders that suit them and refuse to support the authority of any other people.

This liberty men ought to use not for selfish ends, but in the interests of public welfare, just as authority ought to be exercised in the interests of the community it directs. It is in this sense that Aristotle understood it when he wrote that the kingdom was not for the king but the king for the kingdom. And he pointed out the difference which exists between the just sovereign who governs in the interest of the nation and the tyrant who uses his power to satisfy his appetites, his cupidity, or his ambition.

All social life, all authority supposes a discipline and a hierarchy. At the summit of this hierarchy Las Casas places God the first master and prime mover; he compares Him to the head of an army whom all the soldiers and captains obey. After Him comes the Pope whose every action is ordered in accordance with the will of God. It is he who directs his people towards the supreme end of nations, which is the knowledge of God and salvation. The temporal powers are subordinate to his authority in all things which appertain to the spiritual life, and in such degree as is needful for the exaltation of the spiritual aim, and for the overcoming of obstacles which might trouble it or hamper its work. They ought to receive from his wisdom and prudence laws and regulations of which to construct their modes of government. Las Casas, who compares God to a *generalissimo* recaptures that figure of speech, and shows us all mankind struggling for the victory of eternal bliss. And even as an army that wishes to conquer must obey one leader, humankind must obey its spiritual guide, master in the *ars artium,* the art supreme which has for its objective the winning of this victory, and all the temporal powers must unite and order

themselves according to his commands to obtain success.

Then leading these general considerations back to his particular objective, which is examined at the end of the treatise, Las Casas applies to the affairs of the Indies the principles he has just expounded. Like all nations the American peoples ought to be governed for their own welfare, spiritual and temporal. It is in the interest of their bodies and their souls that the King of Spain ought to act. In the interest of their souls, since they are reasonable beings, redeemed by the blood of Christ, and for whom he has received a mandate from the Pope to have the Catholic faith preached to them and to watch over their conversion. It would be necessary for him, to achieve this result, to direct and correct their customs, but without injuring their life or liberty, conserving to them in their statutes and jurisdictions all that pertained to the rights of individuals and nations.

Las Casas won the approval of Fray Pedro de Contreras and Fray Vicente Carillo for this treatise written "for the defense and justice of the Indians."

II

Slavery and the Encomienda

While on one of his visits to Spain, Las Casas explained to the Council of the Indies that the only means of putting an end to the evils from which the inhabitants of the New World suffered, was to abolish slavery. All the Indians who were slaves of the Spaniards, he declared, ought to be set free, for among them all there was not one who had been justly or legitimately enslaved. The Council, interested by this declaration, asked Las Casas to develop his ideas on slavery and it was in this way that he was led to write the work entitled: "Treatise written at the instance of the Royal Council on the slavery of the Indians," printed in Seville, at the establishment of Sebastian Trugillo, the 12th September, 1552. The book is divided in two parts; the first shows that all the Indians were illegally reduced to slavery, the second, that the Spaniards possess these slaves contrary to good faith and in bad conscience.

How had the natives been deprived of their liberty and been made slaves of the Conquerors? As a result of war, and because of their resistance, say the Spaniards. But, even in admitting this cause, in order for the enslavement resulting from the war to be considered legitimate, it is necessary that the war itself must have been, for an unjust war could not give rise to legitimate slavery. Las Casas has too often and too well demonstrated that this war was unjust for us to restate his ideas on the subject. To sum up, it is unjust since it was waged without just cause and without being ordered by the King. As a matter of fact the Indians did not occupy any land that was Christian territory, they had not maltreated or persecuted the Catholic faith. This war, moreover, resembles in nothing the ordinary war; it is nothing but theft, assassination and massacre, and possesses more nearly the characteristics of pillage and civil war. How could it be otherwise with the governors who had ruled over this country? With the exception of the Viceroy, Don Antonio de Mendoza, and the Bishop of Cuenca, Don Sebastian Ramirez, no one had shown himself to be a true Christian, respecting God and King.

That is why—without even excepting the

wars for which they might have had cause—it is nothing but a matter of machinations and intrigues the Spaniards had invented to reduce the Indians to slavery. Sometimes the inhabitants of a country were seized, carried before a magistrate, and were obliged to declare themselves slaves before they knew what the word "slave" meant. They would then be marked with a branding iron, and sold. The Spaniards had done this frequently with children, who were herded together in boats and marked in the same way.

When the islands of Cuba and San Juan were almost completely depopulated, the Spaniards living in these islands organized nocturnal expeditions on the mainland, in the course of which they burned villages, killing the natives who tried to resist, and drove the others into their boats to take them to the slave market. Three to four hundred would be herded in together. During the crossing about a hundred would die of hunger and thirst, but the sale of the survivors would be enough to assure a fine profit to the traders. It was in this way that a great part of the population of Yucatan, Guatemala, and Nicaragua, was transported to Peru and Panama.

The levies of porters and laborers which the Spaniards demanded of the chiefs of the vil-

lages took no account of the number of men living there, and when the cacique could not satisfy their demands, they seized the opportunity to hurl themselves on the village and take away all the inhabitants. Sometimes, also, they claimed the Indians for a definite period of time, but when this period was up, they prevented them from returning home, and sold them. To avoid annoyance, the colonists and soldiers gave up to the governors and captains the lion's share of the booty.

All methods of acquiring slaves were effective. In regions where the judges tried to have the orders of the King respected, the governors had recourse to the ruse of forcing the natives to proclaim themselves slaves, making them specify that their fathers were slaves, and designate a market at which they were sold. A governor of Honduras, overloaded with debts, pretended that all the Indians were slaves, common law criminals, and by this title he had them branded, and sold them. The Spaniards levied tributes of gold when they knew the caciques were incapable of paying, and "accepted" the payment in slaves instead of in gold. But they disdained all these ruses when they could count on the complicity of the judges and officers. In that event they impressed all the Indians they encountered,

loaded them with chains and iron collars, and marched them thus a hundred leagues or two. The price of slaves had fallen so low in Mexico that an Indian would be sold for a glass of wine or a bit of lard.

All the instructions of the King were in vain. Certain governors, like the Mexican governor, were accustomed to say that the Indians had no other King save the Governor. The governor of Nicaragua, upon receiving an edict forbidding slavery, while they were loading Indians into the boats, waited until this fleet was safely gone before making public the royal decree. Finally, when they were forbidden to reduce to slavery the Indians they had in their jurisdictions they forced the caciques under their thumb to bring in natives of neighboring provinces, and notified the governors of these regions that they, in turn, could do likewise if they wanted to, in their provinces.

Sailors quite often engaged the naïve Indians to go with them to see the Court at Castile, and when the Indians shipped with them, they would break voyage at Cuba where the Indians would fetch a high price, and, poor devils, could curse in servitude their curiosity and confidence in the Spaniards.

"The traffic in slaves has become the most serious danger to the American race which is

rapidly being extinguished," Las Casas asserts. If it is not put in order, the happy nations who used to inhabit this prosperous and flourishing continent will have disappeared altogether. And of all the slaves, there is not one who has been deprived of his liberty for a legitimate reason.

The Spaniards well knew, as he did, that he was right in saying that they possessed their slaves with a bad conscience. They had been taught that theft was a punishable deed, but if it is contrary to honesty to steal a neighbor's cloak, it is still more so to deprive him of his liberty; in doing that the Spaniards have put themselves in a state of mortal sin unless they give back at the earliest possible moment their freedom to those they have deprived of it. Certain conquerors have pretended that they have bought from the Indians only those natives who were already slaves. Slavery existed, it is true, but in extremely rare instances, and under a form entirely different from that which the Spaniards have introduced. In times of famine, sometimes, the poor sold their sons or daughters to rich Indians for a few measures of corn. The very great usefulness of this plant to the Indians—for whom it constitutes almost the only food—explains why the man guilty of stealing five

ears of corn became the slave of the proprietor of the field, with his parents and all his kin. The Indians have a passion for sport, and certain of them have staked their liberty on *pelota*. And also, he who violated a virgin slave became a slave, or he who made a slave woman pregnant; if he were already married, his wife became, like him, the property of the victim's master. There were also certain lazy ones, who without cause, sold themselves as slaves, but these with the intention of not working. That in itself shows us that servitude was not very severe among the Indians. The slave was treated as the son of his owner; he kept his house, his family, his savings; he was free to go wherever he liked. A few slight services were expected of him. The poor saw in this formality a means of assuring a living for their children in hard times, and the lazy saw in it an opportunity for doing nothing, or at least, the means of a comfortable existence at the expense of their owners. The Spanish monks are unanimous in declaring that this state of domesticity did not show any of the characteristics of regular slavery, to say nothing of that variety introduced by the conquerors in these unhappy lands. The Bishop of Mexico wrote a treatise on this subject, utilizing the very exact and precise in-

formation which had been furnished him by the Franciscans.

Mild as it had been, this slavery was opposed to the principles of the Christian religion, but the Indians were absolutely excusable in its practise, since they were not in a position to discern in it its illicit character. In any case the Spaniards should never have approved of it, explicitly or tacitly. It was a part of their evangelizing mission to abolish it, since they had been commanded to conserve that which was good in the customs of the infidels, and to destroy the evil. Could they pretend that they did not know the reprehensible character of slavery? In that case they ought to have abstained from making slaves themselves, since every man who doubts whether an action is just or unjust, ought, if he is wise, to abstain from doing it. And in doubt, also, he ought rather to act excessively sensitive to good-will and kindness, than to risk the matter of being wanting in these virtues. Between two doubtful things, it is necessary to choose always that which contains no sin, or harm to one's neighbor, even in view of eventual good, for it is not lawful to do good by unjust dealing, or at the expense of one's neighbor.

If the Spaniards were not absolutely cer-

tain of the legitimacy of this servitude which they protested to have found among the Indians, the wisest attitude would have been not to sanction it by imitating it. Las Casas supports this prudent counsel with the words of Christ which teach us to tolerate the evil when, not being able to distinguish the good, we risk punishing the good in chastising the wicked. And if, of ten men, one has committed a crime, and one cannot distinguish him from the others, it is necessary to absolve them all.

This is even truer still when liberty is concerned, for that is the most precious good after life itself. If there is doubt of the liberty of anyone, this doubt ought to resolve itself in favor of liberty. A Spaniard who possesses a slave without being absolutely certain of his right to keep him, commits a mortal sin if he keeps him.

In the struggle against slavery, Las Casas wishes, especially, that all the rights be respected. He has in mind here the possibility that certain Spaniards might be able in good faith, to believe that they had bought or received slaves for whose servitude there was a legal basis and legitimate character. That is scarcely probable, for the monks taught from the pulpit that there were no certain slaves, and the Spaniards ought to have believed

them, and to have followed this "probable opinion which is that of wise and disinterested men."

Every man renders himself guilty of mortal sin in taking, knowingly, the property of any other against the will of its owner. And even if this property should have passed through a thousand hands before arriving in his, if the first possessor had been of bad faith, none of the others can vindicate a right which he had not had, and all are equally held to restitution. In certain cases the civil law can justify and find legitimate similar holdings, but it can do nothing against the natural and divine law, for the inferior, the King, author of the law, cannot go against his Superior, who is God, Master of men and things. He who dwells in ignorance is guilty of not having sought enlightenment, and he who doubts, equally so, if he has not been diligent in seeking out the truth of the facts. All negligence is criminal, for it implies a secret desire not to be instructed, and also all insufficient information, like that of the man who contents himself with asking the opinion of his neighbors or of the merchants, instead of consulting those whom he knows to be intelligent, considerate, and disinterested. In this there is a fault, Las Casas says, that of "reprehensible simplicity,"

which, in terms of civil and canon law, is not inferior to theft or fraud.

But it is too magnanimous to the Spaniards to admit, even theoretically, that they could have had such doubts. They knew well enough that it was by violence and terror that they recruited their slaves; Fray Bartolomé quickly establishes their bad faith. Since they are Christians, they are not ignorant of the fact that slavery is contrary to the spirit of the Gospel, and they ought not to deceive themselves and to buy slaves which they know can only be held in trespass. Whether they have received them in sale, in tribute, or in re-sale, their possession is equally unjust and illegal, and their bad faith remains, whether they have acted by negligence or in open recognition of the fact. Thieves, like him who buys stolen goods, they incur the pain of death established by law. All the arguments they pretend to oppose this simple truth are vain and false,—that it is permitted to make slaves in a just war, that they do not maltreat them, that they have acquired them from the Indians, etc. . . . War, just or unjust, does not authorize slavery, and as to the way in which they treated the slaves, "we know by experience," Las Casas writes, "that no law, nor ordinance, nor reason is sufficient to change

or govern the Spaniards in their attitude in regard to slaves." And even if certain natives had been reduced to slavery according to the Indian law, they should not have been given to the Spaniards, for slavery, a very mild condition among the Americans, is infernal under the conquerors.

In rejecting the Christian principle which condemns slavery, but which cannot be applied to the practices of unbelievers, it is impossible to know whether the slaves of the Indians have been justly—or better, legally—enslaved. In this doubt, the equity and benevolence of canonical law commands us, between two gentle solutions, to choose the gentler. And of two laws, the gentler is that which frees. The slaves who are, then, in the possession of the Spaniards, and who these latter say, have been received legally from the Indians, ought to be set at liberty. That is an absolute obligation which constrains the King of Spain, particularly in virtue of divine principle. Las Casas shows him that it is his duty to free immediately all the Indians retained as slaves by the Spaniards.

This divine precept orders the King of Spain to render justice to the common people as well as to the great, and especially to snatch from the hands of the oppressor the poor and

the weak who cannot defend themselves. God chastises the monarchs who fail in this duty and He deprives them of their might. These oppressed, these defenseless beings are the luckless Americans, who have such great need of his support. About him interests are active that wish to disguise the truth, to excuse crimes, to defer the initiation of justice, but his first duty is to "repulse them with great ignominy" and to obey the divine behest. Just kings, whether believers or unbelievers, ought to see that their subjects live in peace, and peace is not achieved except by making justice and the virtues respected. So that the subjects of a monarch may avoid falling into sin and that they may merit eternal salvation it is necessary by equitable laws and wise administration to impose the doing of good, and obedience to Christian laws. In suppressing slavery the King of Spain will render a great service to his subjects who are in a state of mortal sin, and he will remove the obstacle which blocks their way to salvation.

The reprimands of their religious teachers and the sermons of the priests have not been obeyed or listened to. The missionaries have not found in the royal magistrates the support which they asked for when they begged that an end be put to this slavery which com-

bats the labors of the Church and compromises at the same time the salvation of the Indians and that of the Spaniards. The ministers of the Faith ought to have the power to preach, unobstructed, to a free people, without the conquerors being allowed to invade their churches to take away the natives who are there listening to their teaching. It is in the King's hands to put an end to such disorders. Monarchs are obliged by divine authority to help with their temporal forces the representatives of God, when that is necessary for the increase of the Church, for the respect of its rules and its discipline. The Church herself does not possess the means of restraining the disobedient and the subversive; it is his duty to do it in her stead.

The bishops of the Indies, on their part, have also the duty, by divine precept, to insist of His Majesty and his Royal Council that the Indians be freed and their former liberty be restored to them. That is the rôle of the shepherd, pastor, such as the Fathers of the Church defined it, the Popes Gelasius, John, Innocent, and St. Gregory in his homily on the duties of priests. Las Casas cites a long series of references, among them the magnificent comment of Alcuin on the *Pasce oves meas,* and the "beloved sentences" of St.

Thomas: *Prelati debent resistere non solum lupis qui spiritualiter interficiunt gregem, sed etam raptoribus.* . . . A precept which obliges every man, by natural and divine law, to put an end to all injury or oppression, and especially obliges the bishops, who are constrained more than the others, to defend the small and weak. Just as the man who sees his neighbor struck and does not come to his aid becomes an accomplice in the crime, the clerks and prelates who tolerate slavery share in the mortal sin of the Spaniards. It is among the duties of the bishops, also, to procure peace and calm for their people, and to have punished those who disturb their flocks. And in the Indies there is no peace, only discord and injustice, and it is urgent that order and tranquillity be made to prevail.

Finally, the divine missions with which they are invested gives to bishops the right of administering final justice not only among the humble, but also among kings and princes. In whatever concerns the good of souls and spiritual matters the spiritual authority must command over the temporal. The bishops of the Indies have then the bounden duty to insist of the King and his Council that they obtain satisfaction. Las Casas makes it a duty for them to importune the King, that is to say,

to put their claims before him with great solicitude and diligence. For a prelate all negligence is mortal sin, since the shepherd must needs keep watch, and it is no excuse for him to say that he did not see the wolf. The prudent attention to which the man who looks after temporal wealth is held must be greater for him who is the keeper of souls, for he is responsible for them before God, and he must, if need be, pay for them.

In obedience to this precept, the Franciscan, Dominican, and Augustinian monks concerted themselves to refuse absolution to Spaniards who keep slaves and who have not put their cause to the Royal Audiencia for judgment in accordance with the new laws. Las Casas had taken the initiative in this agreement, and we shall see, in studying his "Instructions to Confessors," how wise this measure was and how efficacious it became. The monks were so much the more committed to struggle against slavery when they knew the events in America, the injustices and the corruption prevalent there. They knew that the Spaniards rendered themselves guilty of mortal sin in keeping slaves, and that they were held to restitution. If they had not protested they would have become accomplices, like the doctor who lets the sick man die, through his own fault, or the

judge who, through incapacity or ignorance does not judge according to justice. It is important to invite the slave-holders to free their slaves, even without going before the Audiencia, for the decrees of this tribunal often present flaws, and the monks, knowing how the slaves were recruited can have no doubt about the legitimacy of their possession.

"In my capacity as bishop of a great country where there have been enslaved a great number," writes Las Casas, in ending his treatise, "I beg Your Majesty to command, with all urgency, that they be set at liberty, and to take the necessary measures to put an end to the confusion and perdition of souls, to remove the obstacles which are hindering the preaching of the faith, and to dispose the human raw material for excellent function and royal industry; so that the prelates, like fathers and spiritual teachers, may perfect it, ennoble it, and make it ready to receive the grace of God, and so also that by the virtue of the holy sacraments they may save souls from the mortal sin in which they live, and of which the end will be, if Your Majesty does not deliver them, the eternal fires. . . ."

For him, in short, there exists only one way of putting an end to the atrocities devastating America; to prohibit slavery absolutely, and

the encomienda which perpetuates it under a form scarcely less rigorous. Invited by the King to make known to him before the Assembly of Valladolid the remedies which he judged proper to put an end to the illegal tyranny of which the Indians were victims, Fray Bartolomé insisted especially on this and, the better to show that it was perhaps the only measure really efficacious, he assembled his arguments and developed them in a work entitled *The Eighth Remedy,* a work composed in 1542, and which was published ten years later.

Las Casas condemns every form of servitude which put the Indians under the domination of Spaniards, whether it be slavery, encomienda, fief, or vassalage. To bring about the end of these abuses, of all the remedies indicated, the eighth among those he outlined is the principal and essential one, for without it all the others would remain without value. It advocates incorporating in the royal Crown, as free subjects and vassals, all the Indians already subdued, and those who would in future be brought under Spanish control. They are not to be detached under any pretext, nor transferred, nor "recommended" to anyone, for any reason whatever. The King, he says, ought to promulgate this law with solemn

oaths that he will never revoke it, and to order in his will that his successors conform to it. In fact and in law, this measure alone can save a prosperous colony which is being impoverished and depopulated. Las Casas chooses twenty reasons, some of them of a theoretical and legal order, and others of a practical nature, to support his analysis.

Among the theoretical motives, there is the one we already know, the concession made by the Pope, the divine favor which had confided the Indians to the care of the King of Spain, so that by his application and solicitude he might lead them to know Christ. It is a matter so great in importance that the sovereign ought to keep watch over it himself, something he cannot confide in or delegate to another. An argument which aims at and hits the encomienda. Las Casas wrote a special treatise on the royal powers of transfer, which concludes in the same way. To lead to good achievement this delicate matter of converting the infidels, the Pope has chosen the King of Spain. It would be to betray the confidence of the Pope to bestow upon others so noble a mission, and to abandon the least parcel of the duties and rights attached to it. Queen Isabella had shown her anger when she learned that after the discovery of the Spanish Isle Colum-

bus had given a slave to each Spaniard who had distinguished himself on that expedition (and Las Casas cites one in particular on this occasion). "What power has my Admiral to give my vassals to anyone?" the Queen demanded, and she ordered that these Indians be given back their liberty and taken home again on the next voyage.

Since this power had been conceded to the King to permit him to aid in the preaching of the faith, it was up to him to take all means to make that easy and to do away with the obstacles which could arrest its progress. There is no greater obstacle than "recommendation" for it urges the Spaniards to counteract the efforts of the religious. They oppose, through avarice, the sending of missions to the Indians, alleging that if these listen to the preaching, they become idlers and waste their time. The Spaniards fear the witness of the monks and priests, for they know that they are well informed of their acts, and they fear too, that the Indians instructed by them may become more learned than the conquerors themselves, and less docile in the face of their caprices. When the Spaniards are reprimanded, they avow cynically that their interests are more important than those of the Church, and the salvation of souls. But it is

the judges and governors who fear most the influence of the religious; for these are opposed to their dealings and corruption, denounce their iniquitous sentences and combat their malpractices. The Indians know very well that the monks are their only protectors, and so they love them, and attach themselves to them with veneration. But how can they teach the Christian faith to people who are slaves, dispersed from their families, far from their home villages, a people who live in anguish? The preaching of the Gospel asks that people live in peace, free, in a just and stable social order. That is why God delivered the Israelites from the yoke of the Egyptians, to make of them an independent people worthy of accomplishing the mission He wished to confide in them. That is true for the Old Testament, but truer still for the New, for the law of Jesus Christ is a law of liberty, and to receive it fully, it is necessary to be free. Dispersion of the villages, and division of families constitute a state little favorable to evangelization. And most of the Indians die without baptism, and often without ever having heard the name of Our Lord, for the Christians care so little for souls, as if their salvation were of no importance at all, and the Spaniards to whom they are "recommended" are not capable of

governing them nor of teaching them the faith by good examples and wise counsel.

Las Casas cites the example of a certain Juan Colmenero, of the island of St. Martha, who had received in encomienda an immense people. How could this man, who neither knew how to write his name nor to make the sign of the cross, and who sold in the market-place the idols he had stolen, care for the souls in his charge? The Spaniards are numerous, he says, "who know neither their Credo nor the Ten Commandments," and compared to them the worst Indians seem to be saints. The Spaniards live in disorder and impiety, possessing, some of them, as many as fourteen mistresses, they mock God openly and are guilty of every iniquity. If these are the men who are to teach the natives the love of Christ and respect for the King, it is not at all astonishing that the Indians imagine the Spaniards' sovereign to be the most unjust and cruel of tyrants, and their God evil and perverted. Such a state of things will last as long as one confides the Indies to such masters, giving them a temporal and spiritual power which they use to enrich themselves at the expense of the Americans and the Royal Treasury. These cruel and debauched men alienate the pagans from the Christian religion, which

they make them hate by their examples. How can the Indians be converted, how are they to think of things divine, in the peace and tranquillity necessary to man for him fruitfully to receive divine precepts, when they are tortured in a thousand ways? They believe that their gods were better than that of the Spaniards, for they never made them suffer such abominations.

The results of the encomienda were: harm to both the Indians and the Royal Treasury. By it, the concession which the Pope made to the King of Spain in the interests of the unbelieving peoples of the New World was turned against them, and instead of aiding in their spiritual and material betterment, it threatened to destroy them entirely.

The holy privilege accorded to the King has become the most terrible danger for those whom he ought to protect. It is important that the monarch withdraw, at the earliest possible moment, all the "recommendations" which he has given and incorporate the Indians with the Crown, as Queen Isabella implored in her will.

Envious, enemies, and destroyers of their neighbors' lives, such are the conquerors, writes Las Casas. They have slandered the Indians in order to excuse their own misdeeds;

they have accused them of crimes and abominable vices. The Indians are idolaters, they say. Yes, but our ancestors were also. They are kindred to the beasts! Yes, in their kindness, and "does it please God that they have been treated as animals!" Civil law forbids giving an individual as a pupil to anyone known to be his enemy, or to one who will bring him up badly, and if that results later, the pupil is taken away. The Spaniards are bad teachers, in like case; materially and spiritually, they cannot be useful to the natives who managed rather well without them, and they act in all ways against the interest of their pupils. Reason suggests, furthermore, that one does not confide too great power in poor and grasping men, for one may be sure that they will use it to escape from poverty; and it is necessary, too, to avoid giving it to those who aspire to great wealth. Las Casas writes at this point a terrible indictment against money, corrupter of men and societies. "Look at the misers, like nature they have a horror of emptiness, and that is why they apply themselves, day and night, to filling their purses." The appetite for riches is never satisfied; it is an evil dangerous and incurable that no human means can heal; neither laws nor threats do any good. "The journey of the miser achieves nothing in this

life, and it has no end. By gold men obtain everything they desire, honor, nobility, employment, pomp, luxurious clothing, delicacies in food, pleasure in vices, vengeance upon their enemies, great esteem for their persons. These are the things that the men of the age covet and pursue for supreme happiness, for these they risk their lives and their salvation among dangers and exhaustions, for these they commit all the sins and all the crimes."

Las Casas compares the appetite of the greedy "infinite and vehement" to beatitude, to the thirst of the soul that longs for God, endlessly, and he contrasts their inappeasable covetousness with this desire of the soul "which cannot find its center nor cease to sigh for that which it lacks."

Cupidity, insatiable, cannot be cured by human means. It is more serious, and more difficult to conquer than the vice of luxury, for its appetite is greater, more durable, more perpetual than concupiscence. The latter wanes as men grow old, but avarice grows greater. To give a miser any authority whatever over his neighbor is to make of him the cruellest sovereign, one who knows no restraint, nor scruple nor weariness. And so the saints have seen in avarice the principle, and the root, of all evil. "Avarice looks at its gold

with more joy than at the sun and its light; it is the raw material of all crimes, the mother of calumny. Bede says that it hunts the Faith, destroys harmony, violates love, and engenders innumerable evils. It has no pity. The spirit and understanding of the miser are tied to cupidity, St. Ambroise says, and consequently his judgment is not free. When he prays to God, his prayer itself is for gold. His reason is captive, full of webs and shadows. He hates everyone, for he hopes to draw gold from everyone. He is the cruellest enemy to himself, of his life and his soul. Slave to gold, he is forced to obey his master, for it is from it that he expects everything. He does not excuse himself in anything; he sells his life and leaves it always out on display for the buyer. . . ."

There is no protection against the miser except in refusing to him all power, all jurisdiction. A great imprudence has been committed in confiding the Indians in the care of these covetous men who go to the New World with the sole intention of getting rich. There is not one of them who does not imagine that he will discover there a mine from which he will obtain an infinite quantity of gold and silver. The corruption from which Spain suffers, poisoned by cupidity and avarice, comes from these men, originally poor and of base

lineage, who have become opulent by seizing their fortunes, without fatigue or labor, from the unfortunate Indians.

"Confide the Indians to this gentry? What can one expect of such greedy men? What can the timid, innocent natives, gentle and humble, do? They do not dare to complain, and no one listens to them, helps them, or defends them; they are captives in fields and mines, driven along the roads and through the wildernesses. If the miser, hard of heart, has no mercy for himself, is he likely to have pity for others? He looks upon them as beasts or as the filth of the market-place. And he makes use of them as instruments for the procuring of gold."

This is not what Christ would have wished, He who died to save men. These miserly beings have devastated the Indies, perverting the order appointed of God. "To give them power is to put a knife in the hand of a lunatic, and to offer him the throat of a well-beloved son. It is to lock up in the same chamber a very beautiful virgin and a boy insanely amorous of her. . . ." The result is the certain death of the one and the corruption of the other. The Spaniards do not kill the Indians through hatred—for the Indians are inoffensive and good-natured—but

through avarice. They abuse the powers given them, and mock the laws. There is but one way of repressing them, and that is "for Your Majesty to have a gallows placed in every port, to swear that for every Indian missed there will be a hanging." But they know that they have nothing to fear from threats and gallows.

Greediness and the love of riches are causes of crime and theft in Castile, where there are a Royal Council, two chancelleries and the presence of the King. What cannot take place in the Indies, where the conquerors have an absolute power, without fear of King or God, where the courts are three or four hundred leagues distant, and the natives who dare not complain are inhibited by terror?

The monarch who was chosen by the Pope to convert the New World ought to act as the defender, teacher, and father of these innocents. They are overwhelmed by their labors and the obedience the encomenderos impose on them, more than that which they owe to their natural sovereigns or to His Majesty the King of Spain. How can their poverty and their weakness permit them to serve so many masters and to satisfy the Spaniards who impress them, against reason and nature, without legal justification, to work in labor beyond their strength? Every conqueror who pos-

sesses a village is a "butcher and a tyrant" and weighs on his subjects "heavier than a hundred towers." In spite of the law which forbids demanding more of a person than he can give, and more than is necessary, the Indians are exhausted with tasks and levies which no one has the right to impose on them. In effect, in recognizing the King of Spain as their sovereign they have lost their liberty. Queen Isabella reminded Commander d'Alcantara, who governed the Spanish Isle, in a letter she wrote him in December, 1503, to treat the Indians as free persons. This was confirmed by the Assembly of Burgos, and by the Royal Council in 1523. Their situation is similar to that of vassals who have given themselves freely to the King; and as serfs and tributaries to the Crown they ought not to be remitted to other lords for fear that their situation may become worse. For, says the feudal law, it is better to be a vassal of the King than of any of his inferiors. If the King should wish, contrary to the laws of Castile, to give away or transfer cities, villages, and fortresses belonging to the Crown, the vassals would have the right to resist this transfer, even by force; the sovereign may not act in any way that may endanger the people, unless they consent to it. It is for this reason that the

King of Spain convokes the Court each day, and requires the representatives of the people to come, so that he may consult them and obtain their approbation. The Indians should not have been submitted to this servitude without their consent. It resulted from a privilege granted by the Crown, but that privilege is null, since the conditions required have not been fulfilled; the Indians have been maltreated and have not been taught the Christian religion, and in other ways the privilege has been abused and used for harm. He who abuses his authority shows that he is not worthy of keeping it, and his subjects are not held to maintain their fidelity or obedience to a tyrant. They may go away from or defend themselves with arms against a master who maltreats them. Unfortunately the Indians are too weak to resist the oppressor, and it is necessary for the King to take their part and free them from the Spaniards. The encomienda is contrary to the interests of the Church, the Crown, the common good, and individual right. In conformance to the laws of Castile a privilege opposed to natural law, the Catholic faith, to the good of the Kingdom, and to the rights of the individual, need not be accepted or obeyed, and if, after having been given, a privilege appears to be ini-

quitous, noxious, and dangerous, it loses its force and validity. In effect, since the King can not wish to do evil, when his intention, conveyed to another, is lost sight of the recipient's authority is withdrawn.

Las Casas perceives, already, in the actual situation in Spain, a punishment of her faults. The country finds itself in great economic disorder. Since the flow of gold and silver into Spain, things have cost from three to six times more than they did before, and the poor suffer in great misery. The evil committed carries in itself its own punishment; the love of riches causes these great perturbations among those who have stolen their wealth.

The encomienda has, besides, no juridical value, since it has never expressly received the Royal sanction. Its inventor, a governor of the Spanish Isle, did not ask its authorization, and exceeded the limits of his function. Commander de Lares gave an appearance of legal justification to this abuse of power when he arrived in the New World in 1502, sent by King Ferdinand to make the liberty of the natives respected. At that time there were only three hundred Christians in the island, and they were served willingly by the natives. Commander de Lares brought with him three

thousand men, which he lodged among the Indians in order to assure their being fed. Upon his arrival he wrote to Queen Isabella, accusing the natives of running away from work and from preaching, and he proposed to her as a remedy a system which had for its object the allotting of the Indians to Spaniards who would take care of them and provide for their well-being and their conversion. The Queen replied that it was necessary to make them work and listen to the missionaries, but as free men, not as serfs, and without harming them or endangering them, and only if they were paid each day for their work. Her intention was to facilitate their evangelization by making their contacts and communication with Christians more frequent. The workers furnished by the caciques were to work with Spaniards and to receive a remuneration proportionate to their labors, and sufficient to satisfy their needs and those of their families. It was prescribed also that they were to go home at night, or when that was not possible, they were to go home at least every Saturday. This labor contract was to have also a definite term, freely consented to, and was to apply to non-hazardous tasks which were adapted to their strength, respecting the Sunday rest and fête days. They had the right, moreover, to do

their own work, such as cultivating their fields, and to a rest period afterwards, if they were tired or ill. Finally, the Queen specified, nothing must be done against their material or spiritual interests.

In reality they have not been taught the principles of the Christian religion; they have been overwhelmed by maltreatment; they have been made to work without rest, remuneration, and scarcely any food. When they were paid, it was in merchandise for which they had no need; or, after several years claiming, they might be given a half castillano, with which they could buy a comb and mirror. Although the Queen wished to make of the encomienda an agency for services freely consented to and justly remunerated, it has become the hardest and most brutal slavery, hiding behind another name, a slavery which, deprived of any legal foundation, and contrary to natural, divine, canonical, and imperial law, carries within it the greatest prejudice to the interests of the Crown and nation. In fact, when the Indians are dead, the Spaniards deprived of slaves and incapable of cultivating the lands themselves will return to Spain; the perils and expenses of the Conquest will have been useless. The nation will know its former poverty, and it will be aggravated by the

memory of the riches it had once acquired and by regrets for their loss. Every Indian dead is a vassal lost to the King, for, when treated well and baptised, all the natives would have served him as good soldiers and loyal subjects, and would have enriched him by their work. Instead of that, today "there is nothing come of it but a quantity of gold which will not weigh as much as the weight in blood"; and while he might have counted on fixed tributes and regular taxes, the King does not possess a single *maravedi* of certain income from the Indies. Well administered, New Spain alone would have brought him at least a million ducats a year, and Peru from two to three million.

Such failures would end by attracting the wrath of God who will punish Spain by allowing the Turks and Moors to invade the Indies, and they are the worst enemies of the Catholic faith. That would be only just, for the Scripture teaches: He who slays shall be slain; he who sins through pride and avarice shall be despoiled and laid low. The chronicles of the past show many examples of such punishments, and one finds them in the history of Spain itself, Las Casas points out, such as in the destruction of the country by the Moors following the crime committed by the King of

Spain in doing violence to the daughter of Count Julian.

This state of things is detrimental also to the international situation of Spain. The complaints of the natives reach, in actual fact, the foreign nations who hate and mistrust Spain, and cover her with infamy, for "the cries of the Indians go up to God, but they reach also to the ends of the earth." Injured in its European prestige, Spain is even more badly struck in its domestic relations, for the conquerors become proud and insubordinate; they nourish ambitions disproportionate to their social origin; they usurp power and endanger the security of the State; "in a short time they will imagine themselves to be kings." The monarch will never know the truth, never will the Indies be well governed while members of the Royal Council and of the Council of the Indies possess natives and distribute them among their friends and households; their own interests would command them never to let real information reach the King, for this news would prejudice their prosperity. While, if they became vassals of the Crown, and removed from servitude to individuals, the Indians "will be so happy that nothing in life will ever cause them greater joy." For it is love and spontaneous subordination that

makes for the prosperity and continuance of dynasties; and happy, free to quit the mountains where they have fled and to return to the villages from which fear chased them, they will receive baptism willingly and will recognize the sovereignty of the King. He will have nothing to fear in the way of uprisings and aggression on the part of the natives. The country will wear its old aspect of happiness and prosperity, Spanish travellers will find shelter and food in the peaceful villages, and people ready to welcome them.

Suppressing the encomienda, making the natives direct dependents of the royal authority will assure the well-being of the natives and of the Spaniards, for they will not then be committing the sins of homicide, theft, and tyranny, in which all Spain is accomplice by fact of receiving stolen money, as payment, inheritance, or alms. This result will conform to justice; it will appease divine anger, and will make abundance and joy reign anew in the lands of the New World, a source of great wealth for the Royal Treasury.

III

The "Opinions and Rules for Confessors"

One of Las Casas' books stirred up more uneasiness and anger than the others, because it hit the conquerors and slave-holders directly in their religious conscience, or rather in the exercise of their religious duties, and it tended to make of the entire clergy an instrument for native liberation and reparation of wrongs. It was the book entitled: "Opinions and rules for the Confessors of Spaniards who have charge of the Indians in the Indies of the Great Ocean."

Consulted by certain Dominican monks, and informed of the difficulties they experienced at times in determining penances and in guiding consciences, Las Casas wrote this book, which enunciated severe rules designed to lead back to good the guilty, or in any case, to force them to make reparation for their sins. He foresaw the attacks which could not fail to be made against a treatise so dangerous to the interests of the encomenderos, and submitted

it for examination to four illustrious theologians and asked their approval. It dealt with particularly grave measures. Las Casas had tried all means to obtain the liberty of the Indians from the conquerors, and respect for their property. He had remonstrated with them and exhorted them, he had put the civil authority in motion, and obtained laws and decrees; in the face of the vanity of all his efforts he wished to make an appeal to spiritual power, which was strong in prestige in a Catholic nation like Spain.

He transferred the process of the royal tribunal, where badly informed judges or indifferent and corrupt ones held sway, to the tribunal of penitence, where God himself judged through the intermediary priest. None of the confessors could be in doubt about the validity and legitimacy of the acts of Spaniards, but they hesitated sometimes over the penances to prescribe, the reparations to demand. It was to enlighten them on the difficult or contestable points that Las Casas wrote this confessionary in which are foreseen all the circumstances in which the father confessor ought to refuse absolution, ought to ask, in the first place, for satisfactions showing the contrition and desire for amendment of the penitents.

The Bishop of Chiapa divides the penitents in three categories: the *conquistadores,* or conquerors; the *pobladores* [1] or encomenderos who have received Indians in allotment; and finally the merchants who have furnished arms and divers supplies used in the war.

The first case which presents itself is that of a conquistador or a poblador at point of death. Before hearing his confession the priest is to call a royal officer or public notary and have him record the declarations by which the penitent expresses his wish to die a good and faithful Christian, with a free conscience, and the choice of confessor indicated, to whom he gives the power to do whatever he considers necessary for his salvation, and notably, if he judges it necessary to restore possessions still unlawfully in his possession to those who were despoiled of them. And for that he submits all his patrimony without condition or limitation. He must then enumerate the wars and conquests in which he has taken part, the thefts, murders, violences and destructions which he has committed or helped to commit, recognizing that he brought no wealth with him from Spain, and that everything he possesses has been taken from the Indians. He must state also that his entire patrimony will

[1] Founders or settlers.

not suffice to repay the damage he has caused, and that he charges his confessor to make restitution to the limit of his patrimony. If he has Indian slaves, no matter how he has acquired them, he must declare them freed, on the spot, without limit or condition, and must ask their pardon for the harm he has caused them. At the same time that they receive their liberty they shall receive, as damages for their labors and sufferings, a sum of which the confessor shall fix the amount, for each month and each year of slavery. This will and testament will be the only valid one; he will annul all other wills and codicils, but the confessor shall be free to add any clause or phrase relative to restitution that may be useful to the salvation of his soul. By the same act the penitent swears to dispose of his real and personal property in conformity with the instructions of his confessor. He agrees, in case of recovery, never to revoke that will, nor to modify it by codicil. On the contrary, he will live from that time on according to the rules his father confessor shall impose upon him, and if he fails he gives his bishop and ecclesiastical justice mandate, and if need be, secular justice, to punish him as a perjuror, and to force him to execute his agreements. Finally he is to rid himself of all his wealth

and cede it to ecclesiastical jurisdiction, and renounce in advance claims of assistance from any law which might authorize him to break his word.

It is not until after he has written and signed this declaration that the priest may hear his confession. He must then inspire him with sorrow and remorse for all the acts he has committed against the life, liberty and property of the Indians, and not only for his own acts alone, but for those in which he was an accomplice; and he must confess that all the conquerors are responsible *in solidum* for the injuries they have committed.

In conformity with the mandate he has received from the penitent, the confessor makes an inventory of his wealth, he seeks out those to whom it should be returned, and makes restitution, if they are still living. If not, he restores it to the inhabitants of the same village, or if none of them are left, to those of the neighboring villages. In the case of total absence of direct receivers, he may give it to workers or to Spanish poor. The family of the deceased may not receive anything from this evilly gotten wealth. "Even if the deceased had a hundred legitimate sons, they should not receive a single maravedi," writes Las Casas, for they have no right to it. In fact the riches

the conquerors have won by unlawful means do not belong to them, and "if they should be as rich as the Duke of Medina Sidonia," all their fortune would not suffice to make reparation for the wrongs they have done. However, if the confessor can not dispose of the wealth in the absence of direct receivers he may be permitted to give alms to the children of the deceased so that they can live and establish themselves, rather than give it to others.

If the penitent is not on the point of, or in danger of death, the confessor's duty is to persuade him to rid himself of all his debts, and to free his conscience. In order to do that, he must publish an act by which he disposes of his wealth, just as in the first instance, and declare that he submits himself to ecclesiastical justice. For the priests may not, without serious penalty, absolve thieves until they have restored that which they have taken. When this act is drawn up, the confessor is to examine the amount of and nature of the penitent's wealth, apportioning what is necessary to his wife and sons for their maintenance, and for his daughters' dowries according to their estate. This sum is to be kept down to a minimum, and all the rest shall be returned through the care of the bishop to the victims,

if they are living. Even if he is a chevalier or noble, the penitent must restore the tributes he has levied and swear to make no new levies, to live as a poor man who possesses nothing of his own, and to marry off his daughters and raise his sons in conformity with his new situation.

There are some penitents who, without being conquistadores or pobladores, possess or have possessed Indians. These are to submit to a special ruling. If they are at the point of death, they are to be commanded to restore that which they have taken, to their victim, or to his family, or to his village, all spoliation and servitude having been forced in contempt of natural law, the law of nations, or divine law, and as such invalid and without basis. The tributes which they have been able to raise have been for this reason received illegally; since the aim of this taxation was to aid preaching, and that end has not been achieved, it remains only an illegal act. If they are not in danger of death, the same rules as those applying to the conquerors are applicable. The penitent must, besides, aid and foster the preaching of the monks, as much as possible, and earn his living by work, and repent his faults and his blindness.

As for the *estancieros,* proprietors of plan-

tations or mines, they shall be even more strictly constrained to penitence and restitution for they have shown themselves to be "cruel butchers and ministers of perdition." All the Indians they possess, whether they were bought, received as tribute, or inherited, must be freed by public act, and paid for their labors and sufferings, as already indicated. In cases where they had sold slaves, they are held to buy them back, whatever price may be asked for them, so that they may set them at liberty, to consecrate their entire fortunes to this repurchase; and if they cannot succeed in accomplishing this, they must become slaves in their stead to free them and "to weep every day of their lives for their sins."

If the penitent is married, he must force his wife to restore the slaves who belong to them in common; if the slave-holder is a woman, she must free her Indians as soon as her husband is dead, for it is he who administers the wealth of the establishment. In the life-time of her husband, it is her duty to urge him to free them, and she herself must treat the slaves as if they were free.

But it is not only those who have themselves oppressed and enslaved the Indians who are held to restitution. All those who, directly or indirectly, have participated in their crimes

are held to the same obligation, and especially the merchants who have furnished arms during the Conquest. It is desirable to determine, however, whether they acted in good faith or not. In case they were not ignorant of the gravity of the acts in which they were accomplices, they must make a restitution of the money received in payment for the merchandise which they have sold, for it is stolen money.

The confessor must demand, besides, of his penitent the solemn promise that he will not again wage war or conquest against the Indians, this being absolutely contrary to justice and charity.

These rules were received with the strongest indignation by the conquerors and encomenderos. In certain ecclesiastical circles, too, they were judged too rigorous. Las Casas, informed of these reproaches, added several paragraphs to his treatise to justify in theory and practise the measures he advocated. He invokes the authority of canon law, and of the chapter *De Raptoribus,* of the Decretals, which prescribes the refusal of absolution to thieves, destroyers and incendiaries of churches, and the depriving of his benefice to the priest who fails in this respect. Natural and divine law requires, and he also, that the

confessor demand of his penitent all that can serve him for the good of his soul, and that he watch to see that his counsels are followed by effective reparation, especially if the penitent has confessed several times without making restitution, and if he ordinarily shows little devotion. This rule is all the more to be enforced when he knows that secular justice is blind and less than diligent.

The confessor is a spiritual judge who can examine at the tribunal of penitence the offences that escape the cognizance of secular tribunals, and who can thus remedy the defects in the civil law, for the ministers of royal justice are too often corrupted by ruses or their own blindness.

Las Casas emphasizes that the conquerors ought to post with the confessor a bail conforming and sufficient, the sworn oath being inefficacious, as doctors of law and canon law admit. The confessor shall demand of the encomenderos a serious bail, for it is to be feared that their obstinacy in evil and their lack of contrition will keep them always from making any restitution.

Finally, he explains to the confessors themselves the nature and seriousness of the faults they might commit in not respecting these principles. They would sin against the peni-

tent, whose confession would be of no value as long as he did not make restitution, and who would continue to live in the state of mortal sin. Against the Indians, since, charged by God to bring light to them and the salvation of their souls, they would have failed in that duty. Against themselves, finally, for it is not permitted to a priest to be ignorant of his duty, and by default of prudence and of fidelity to God and the Church, in committing a mortal sin.

"Let the confessor take good care," writes Las Casas, as a sort of conclusion, "lest he become an accomplice and participant in the crime and sin of him who steals and destroys his neighbor, and lest he be held likewise to the restitution of the stolen property. Lest the poor brother who, to save his soul, has abandoned everything he possessed, go to hell for the fault of mortal sins committed by men who do not fear God; lest he see himself forced to make reparation for the pomp, luxury and the gifts which they give, through the blood of the Indians they have oppressed and killed."

It is certain that the mission of administering and restoring to their legitimate owners of the wealth of the penitents presented the priests with a very heavy obligation, added to

the duties of their ministry, and one which was very difficult to fulfill. It entailed long and difficult research, a delicate accountability, and many chances of failure. We do not know whether the monks had much enthusiasm about undertaking this function which Las Casas, for whom nothing was impossible, did not hesitate to bestow upon them. In any case, the "Instructions to Confessors" emphasized the demands of justice, and even the severity of the threats it contained was the surest way of touching the conscience of the Spaniards, the surest way to bring about indispensable reparation.

IV

Peru

Las Casas was ninety years old when he wrote his last work in reply to questions that were asked of him in 1564, on events in Peru, the deposing and murder of Atahualpa, the pillaging of temples, palaces, and tombs; this consultation furnishes him once again the opportunity to explain the essential part of his juridical theory on the rights of the King of Spain, and to sum up in a few lines the doctrines he defended in his books and controversies.

As the basis of all his arguments we find the property right of the Indians, absolute in the private domain as well as in the public. All the natives possess legitimately whatever they have acquired without harm to anyone, properties, kingdoms, states, dignities and jurisdictions. They have the right to use them and dispose of them at will, their possession being as absolute as that of any other person whatever. This right merits being respected in the

same way as that of the Spaniards themselves, and its violation ought to entail the same sanctions.

The corollary of this proposition is that the man who pillages the wealth of the unbelievers and takes away, without just cause, their right of sovereignty and administration, is guilty, bound to reparation, and subject to punishment. There exist four categories of infidels. Some live under the power of Christian princes, and they owe them obedience. Others have seized Christian lands; against these the Church has the right of waging war. Likewise she may punish and deprive of their wealth the heretics and apostates who have sinned against the faith they have received, against their baptismal oaths. But she can only try to convert the infidels who have never had relations with Christians or with the Christian faith. This is the opinion of Cajetan as well as of Las Casas. The Indians belong in the last category.

They possess, then, their temporal wealth, in full legitimacy, and the Pope never would have had the power to despoil them of them to give them to the King of Spain. He has only created, to the profit of the latter, a sovereignty made necessary by the mission which had been confided to him to convert the pagans

of the New World. This sovereignty does not become legitimate until it is recognized and freely consented to by the sovereigns and people of the Indies. The King of Spain cannot deprive the native princes of their jurisdiction, and he ought even to pay the expenses entailed in the conversion of the Indians, without having the power to ask them for reimbursement.

But the Spaniards have not conformed to these principles. They have acted in an unjust and tyrannical way; they have violated the most incontestable rules of good faith. The events in Peru will show, once again, to what crimes their ambition and cupidity have forced them. It was in this way that in 1531 they seized the Inca, Atahualpa, and assassinated him after having despoiled him of his wealth. They committed also, in the kingdom of the Incas, all sorts of exactions for which they are obliged to make reparation.

Consulted on this occasion on the application of his doctrine, Las Casas gives here very plainly solutions of all the problems which were put to him, and it is an opportunity for us to see, in their direct efficaciousness, the force and practical nature of his principles. The measures he advocates are the working

out, on a practical basis, of the juridical theories he developed.

The first question was relative to the treasures of Caxamalca, which the Spaniards had seized. The question was to determine whether the Spaniards should make restitution for them, and, in that case, whether their obligation were *in solidum,* or, on the contrary, whether each were limited to his share of the booty. The opinion of Las Casas is that the Spaniards have sinned mortally and that reparation for the damages caused by them is an absolute obligation, because restitution is a duty of justice imposed by divine principle, and because, in addition, he who is in a state of mortal sin ought to free himself of it by expiation. The authors of the death of Atahualpa are guiltier still, since they assassinated the Inca after having demanded of him a ransom which they obtained, and they would have to return the sum of the ransom, and all the wealth which they had taken from the monarch and from individuals. This obligation is *in solidum,* for they are all accomplices in the wrong that was done, whatever profit they might have made from it.

Since the Indians were attacked by the Spaniards, the sons and subjects of Atahualpa

saw a just cause for war in the bad faith of the conquerors, who did not respect the treaty according to which they were to have given back the Inca his liberty and his treasure. The people, says Las Casas, have the duty to take arms to defend their King and country, to repulse aggression, and avenge injuries. They do not possess any other recourse against injustice than armed rebellion. The fact that they had recognized the King of Spain as sovereign Emperor does not deprive them of this right, which they may avail themselves of so long as the Spanish administration does not put an end to the tortures and vexations to which they have to submit.

It is only just that the conquerors who conduct themselves as tyrants and pillagers should be punished and despoiled of all that which they have stolen, for, says Las Casas, "they have no more right to commit such wrongs than the King of France would have today to imitate them by ravaging Spain." All the tributes they have levied are illegal; they must restore them, and each person is held jointly and severally responsible for them all. Merely to return that which he himself has taken will not clear any individual, for all have participated more or less in the totality of pillaging, and besides, since they had come

poor from Spain, all that they possess they have stolen from the Indians.

On the initiative of the monks who saw the excessive tributes with which the Indians were overwhelmed, the commissaries of the King have fixed taxes payable by the Indians, and proportionate to their resources as a way of suppressing the more onerous exactions of the conquerors. These latter would have to repay all the sums they had collected arbitrarily, outside the taxes, and especially the encomenderos, for the allotting of Indians and the encomienda has never been authorized by the King. There is reason, however, to treat more favorably the encomenderos who have maintained a priest in their domain, conforming in this manner with the wishes of the Pope and the King. They may deduct from the reparation sums the moneys spent for the needs of conversion and instruction of the natives.

But it is not only the conquerors, direct oppressors of the Indians, who must give reparation to the Indians for their wrongs. As in his "Instructions to Confessors," Las Casas repeats that all those who have received, under whatever title, any stolen money, must make repayment. He makes exception of no one. If the author of the theft is himself dead, the obligation is incumbent on his widow and

children, who must give it all back and work to earn their living. There are cases where the money will have been already spent, and he who is in such case shall repay whenever an inheritance or any legitimate wealth permits him to do so. The missionaries and preachers must be particularly severe and prudent in this regard. It is permitted them to receive that which is indispensable for the primary needs of the body, but if they neglect to urge the despoilers to return everything they have stolen, this silence creates between them a sort of complicity; in order not to fall at all they need only ask for themselves "a single grain of corn."

The tithe ministers of religion have a right to levy on all the wealth of Christians may not be applied to the property of unbelievers. In consequence, not only is it forbidden them to receive from Spaniards wealth stolen or extorted from the Indians, but also it will be a mortal offense to God to accept it as alms, gifts to churches or monasteries, or for the expenses of the religious establishment. The offering of stolen goods is an outrage to Divine Majesty, and their duty is to refuse the sacraments and burial in holy ground to those who propose such a thing. And in cases where moneys so received have already been utilized

in the construction of churches and convents, it is up to the prelate to estimate the amount and the cost of the work and make restitution to the Indians.

The principal resources of Peru consist of mines of gold and silver which were worked before the Conquest or which have been discovered since then. Has the King of Spain the right to own them and to have them worked for his own profit? No, answers Las Casas, for the conquerors seized them against the will of the kings and inhabitants of the country, without whose consent enjoyment of them is not legal. And the conquerors have no claim to a right that the King himself does not have. There is no distinction to make between the mines already worked when the Spaniards took possession of the country and those which they have been able to discover, since both belong to the natural sovereigns of Peru. And the restoration of the mines to their legitimate owners entails also the restoration of all the gold and all the silver mined there in the interim. Certain authors have pretended that this profit might be considered as compensation for the expenses incurred by the Spaniards for the conversion of the natives. Las Casas has proved several times that the mission confided by the Pope to the King carried

with it sufficient material advantage, and that in making the Indians pay for the preaching of the Gospel to them, one would seem to be selling them religion, which would prejudice their learning.

V

Francisco de Vitoria

In examining the ideas of Las Casas we are reminded that in the same epoch an illustrious man, who was one of the most brilliant ornaments of his century, defended similar ideas, and it is just to associate with the glory of the Father of the Indians the jurist who is called the Father of Modern International Law,—Francisco de Vitoria. There are numerous similarities in these two figures who stand out in such vivid relief from the moving background of people and events. We shall not compare, however, the purely doctrinal work of Vitoria with that of Las Casas. We do not pretend to establish a sort of parallel, but to note, and that very briefly, that which in the work of Vitoria supports and confirms the doctrine of Las Casas. We do not pretend to analyse, in a few pages, the thought of the savant in whom has been seen, with reason, the restorer of Spanish theology and philosophy. The influence which he exercised over the

men and the thought of his time was considerable, and even today, although the renown of Grotius and Gentili—who both owe much to him—has almost overshadowed him, his thought remains of interest and his principles valuable.

At the time when Las Casas, abandoning his studies, was starting out in adventure at the age of twenty-four, Vitoria, who was born at Avila in 1480, as Échard tells us, put on the habit of the monks of San Pablo at Burgos, when he was still very young. He showed already a surprising aptitude for philosophy, theology, and belles lettres. His brother Diego was a famous preacher and became regent of the college at Avila, and of Toledo. When he had finished his studies in Spain, Franciso de Vitoria was sent to the Sorbonne, where he became the pupil of Pierre Crockart, the illustrious professor from Brussels. He lived at the Parisian university for five years as a student, then ten as professor. In his theological learning he sought especially to utilize whatever he found most practicable and humanly realizable, and he wished to apply it to international law, to the colonization of the Indies, to the reform of learning. Louis Vivès in a letter to Erasmus described him, as he was at this time, as "a man of great talent,

and of great hope among his friends, gifted with an alert spirit and at the same time with a pacific character, even a little weak," and Father Araya says that, still young, "he was already the glory of France and the honor of the celebrated University of Paris."

On his return to Spain, he was named regent of the College of San Gregorio at Valladolid, renowned for its beautiful environment, and very proud of the illustrious men who were teaching there. Vitoria was only there a short time. When the death of Fray Pedro de Léon left vacant the most important chair at Salamanca, he was designated to occupy it. Salamanca was the oldest and most illustrious university of Spain, and it was competing at that time for prestige and erudition with its rival, the University of Alcala, which, founded by Cardinal Cisneros, had become very quickly a redoubtable adversary.

Vitoria was to win this chair only after a great struggle, and a debate of thirty days, for it was coveted by the Portuguese Margallo, a very famous man of great learning who was supported vigorously by the students. It was they who, reversing the rôles, decided between the competitors and chose their professors, as much, no doubt, for the liking they inspired as for their knowledge. The university cus-

toms of this period were very curious, and the privilege the students had of conferring the vacant chair on the candidate of their choice brought about, on election days, an indescribable enthusiasm and excitement, and it was rarely that an election was accomplished without bloodshed. Vitoria triumphed and obtained the chair, but he was shortly to face a trying situation, for it was he who was charged with combating Erasmus before the Junta Magna which the Inquisition invoked at Valladolid in 1527. Fray Francisco had a great admiration for the person of the philosopher of Rotterdam, but he did not approve of his writings, and he opposed him energetically. The Junta showed itself unfavorable, as a body, to Erasmus but it ended without making a decision, and the question remained.

The important rôle that Vitoria played in these discussions could not but add to his celebrity. He was called "the new Socrates" and the power of his dialectic was admired, and the wisdom of his administration, since, while he taught, he brought about important measures of economy in the University. His lectures were renowned. The notebooks of his students have shown that his courses were clear, logical, well organized, trimmed of useless discourse. His celebrity caused him to be

consulted on the divorce of Henry VIII of England and Catherine of Aragon. He pronounced on this occasion a discourse on marriage which was long remembered with admiration.

His authority and influence made him then a precious aid to the causes he supported.

For that reason both Sepulveda and Las Casas invoked his aid in their controversy; both sides were anxious to have him with them. He had however, taken sides, very clearly, and had sided against the Conquest in formal terms, both in his "Three Accounts of the Indians," and in his treatise on the rights of war.

He examined in the "Three Accounts" the fundamental right of conquest. The first was devoted to the exposition of the arguments invoked by the partisans and adversaries and the examination of legal and illegal titles they claimed. In the second he retained only the legal titles and studied them from the point of view of fact. In the third, he stated the absolute principles which governed this question according to natural right and the law of nations.

Following this publication, King Charles V wrote him a very violent letter in which he accused Fray Francisco of having discussed

these matters without his authorization, which was inadmissible, because they could cause a scandal and bear injury to the Crown. The King commanded that the texts of all the discussions, public or private on this subject be handed to him, and forbade any discussion or publication on the subject without his approval.

However, the same year the King consulted him on a treatise presented to the Council of the Indies by the Augustinian monk Juan de Oseguera, on behalf of the Bishop of Mexico; and two years later, when Las Casas complained that infidel adults had been baptised without their having been taught in the Faith, it was of Vitoria and the University of Salamanca that the King asked advice, and their reply was absolutely in conformity with the opinion of Fray Bartolomé.

Both, in effect, made the same judgment on the Conquest. Las Casas was in favor of a sort of mandate, and Vitoria, as his historian Fray Getino, very correctly points out, asked for a protectorate with extended commercial rights, and he would not accept annexation unless the natives demanded it, or unless they provoked a war and made other steps necessary. It was not right, in any case, that victory should lead to destruction of the conquered, for "wars,"

says Vitoria, "are . . . generally, among Christians, at least, caused by the fault of princes, and the subjects fight in good faith for their sovereigns. And it is the height of iniquity, as the poet says, 'for the subjects to pay for the follies of princes.' "

For Vitoria, the possession of the New World having been conferred on the King by the Pope after the discovery, this right given after the fact did not exist at the moment of occupation, which, therefore, was accomplished without title. Vitoria recognizes besides, not only the sovereign power of the Pope in spiritual matters, but also his right of intervention in material matters in so far as they interest the spiritual; but he contests that this power and this right cannot impose restraint on those who, never having been incorporated in the Church by baptism, do not fall within its jurisdiction.

The Spaniards pretended also, at times, that their right of intervention was legal because it applied to a deserted and masterless thing. Las Casas did not make a great point of this pretension, contradicted even by the actuality of fact; but Vitoria discusses it and shows that it could not be invoked in this case—since the Indians had sovereigns—any more than the Indians could have invoked it if a Colum-

bus of their race had discovered Spain. The obligation to conquer them in order to convert them is not a valid reason, for faith is free, and liberty ought to be respected even if it is sometimes used for doing evil.

Vitoria recognizes, however, a certain number of legitimate titles belonging to the Spaniards, in particular, the right to travel without hindrance and the right to preach. But the first is limited strictly to travel, and the Indians may, like all Christian peoples, forbid foreigners to trade in their lands. And if they sustain this right by arms, it is in defensive war, which cannot justify reprisals. As for the right to preach the Gospel, the Indians could not legitimately oppose it, but this right has for its object the showing them the truth of the Faith. And war is the greatest obstacle to this demonstration. If the Spaniards pretend that the native princes wish to force those of their subjects who have been converted to become apostates, and prove in such fashion the legitimacy of their intervention, they must establish first that the individual has been converted, and then prove the persecution to force the converted back to idolatry.

He recommends, wisely, that in all circumstances the charity which ought to be used with the Indians be especially considered,

rather than concern for Spanish commercial interests. And, though condemning the Conquest thoroughly, he admits in a certain measure, and under certain conditions, the intervention of Spaniards, notably for the purpose of stopping human sacrifices.

The position taken by Vitoria is entirely on theory. It results from his juridical and theological logic, and if he arrives often at the same conclusions as Fray Bartolomé, he does not exert himself to realize them in the practical domain. He did not study, except collaterally, American affairs, which were the one care and most absorbing preoccupation of Las Casas. One should make note, too, of the vigorous campaign which Vitoria carried on for European peace. The affection he had for France, where he had lived for fifteen years, and the sorrow he felt at seeing an endless war making the two Catholic nations oppose each other, made him regard as an enemy Antonio de Leiva, the victor of Pavia, the implacable adversary of the French. He drove himself to win several statesmen to his projects of pacification, and we see, in several of his letters to his friend, Don Pedro Fernandez de Velasco, Constable of Castile, that he insisted that the Constable take his view. He succeeded in this, and the Constable accepted and sustained the

ideas of the theologian so energetically that he alienated the Court and the Emperor from him, and acquired a reputation for being unpatriotic. It is told of him that one day, when he was trying to persuade the monarch of the superiority of peace over war, the King, irritated by his insistence, made a pass to throw him down from the balcony where they were then standing. The Constable said, coldly: "Take care, Your Majesty, for even though I am small, I am a heavyweight in revenge"; and he calmly went on with his argument.

THE END

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